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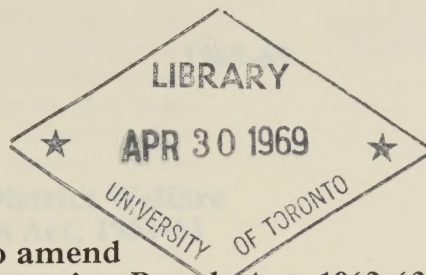
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BILL 132

Government  
Publications

82

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The District Welfare Administration Boards Act, 1962-63**

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment permits a city in a district to be a municipality to which the Act applies.

SECTION 3. The amendment repeals section 4a which had been added in 1966 and authorized a municipality that is erected into a city to continue to be a municipality to which the Act applies. The amendment by section 2 above makes section 4a unnecessary.

SECTION 4. The method of determining a municipality's share of the board's expenses is set out. The date by which a board must notify the municipality of the amount owing is changed from February 25th to March 15th.

**BILL 132****1968-69**

**An Act to amend The District Welfare  
Administration Boards Act, 1962-63**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "a" in the first line "city", so that the clause shall read as follows: <sup>1962-63, c. 37, s. 1, amended</sup>

(*e*) "municipality" means a city, town, village, township or improvement district to which this Act applies as determined under section 2.

**2.** Section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed <sup>1962-63, c. 37, s. 2, (1966, c. 46, s. 2), re-enacted</sup> and the following substituted therefor:

2.—(1) This Act applies to the towns, villages, townships and improvement districts in each district. <sup>Application</sup>

(2) Any city in a district where a board is established may, at the request of the council of the city and with the approval of the Minister, be a municipality to which this Act applies. <sup>City in a district</sup>

**3.** Section 4a of *The District Welfare Administration Boards Act, 1962-63*, as enacted by section 3 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed <sup>1962-63, c. 37, s. 4a (1966, c. 46, s. 3), repealed</sup>

**4.**—(1) Subsection 2 of section 6 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "district" in the second line "in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year", <sup>1962-63, c. 37, s. 6, subs. 2, amended</sup>

and by striking out "25th day of February" in the sixth line and inserting in lieu thereof "15th day of March", so that the subsection shall read as follows:

Estimates  
and appor-  
tionment

- (2) Each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality.

1962-63,  
c. 37, s. 6,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 6 is amended by inserting after "section" in the second line "or determined by agreement under section 6a, as the case may be", so that the subsection shall read as follows:

Levy and  
collection

- (4) Each municipality shall include the amount required to be provided by it under this section or determined by agreement under section 6a, as the case may be, in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

1962-63,  
c. 37,  
amended

- 5. *The District Welfare Administration Boards Act, 1962-63*** is amended by adding thereto the following section:

Apportion-  
ment may be  
determined  
by agree-  
ment

- 6a. Notwithstanding section 6, during the first four years that a city in a district is a municipality to which this Act applies, the apportionment among the municipalities in the district of the amount or any part thereof required in one or more of those years by the board for the provision of welfare services in respect of the municipalities, including the expenses incurred for the administration of such services, may be determined by an agreement in writing approved by the Minister between the board and the city.

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1968-69*.

SECTION 5. The amendment provides a transitional method of determining a municipality's share of a board's expenses during the first four years that a city participates in the board.





An Act to amend The District  
Welfare Administration Boards  
Act, 1962-63

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*1st Reading*

April 17th, 1969

*2nd Reading*

*3rd Reading*

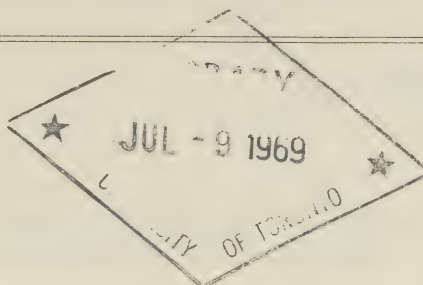
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MR. YAREMKO

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## BILL 132

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The District Welfare Administration Boards Act, 1962-63**

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



## BILL 132

1968-69

## An Act to amend The District Welfare Administration Boards Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "a" in the first line "city", so that the clause shall read as follows: <sup>1962-63, c. 37, s. 1, cl. e, amended</sup>

(e) "municipality" means a city, town, village, township or improvement district to which this Act applies as determined under section 2.

2. Section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed <sup>1962-63, c. 37, s. 2, (1966, c. 46, s. 2), re-enacted</sup> and the following substituted therefor:

2.—(1) This Act applies to the towns, villages, townships and improvement districts in each district. <sup>Application</sup>

(2) Any city in a district where a board is established may, at the request of the council of the city and with the approval of the Minister, be a municipality to which this Act applies. <sup>City in a district</sup>

3. Section 4a of *The District Welfare Administration Boards Act, 1962-63*, as enacted by section 3 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed <sup>1962-63, c. 37, s. 4a, (1966, c. 46, s. 3), repealed</sup>

4.—(1) Subsection 2 of section 6 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "district" in the second line "in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year", <sup>1962-63, c. 37, s. 6, subs. 2, amended</sup>

and by striking out "25th day of February" in the sixth line and inserting in lieu thereof "15th day of March", so that the subsection shall read as follows:

Estimates  
and appor-  
tionment

- (2) Each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality.

1962-63,  
c. 37, s. 6,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 6 is amended by inserting after "section" in the second line "or determined by agreement under section 6a, as the case may be", so that the subsection shall read as follows:

Levy and  
collection

- (4) Each municipality shall include the amount required to be provided by it under this section or determined by agreement under section 6a, as the case may be, in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

1962-63,  
c. 37,  
amended

- 5.** *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following section:

Appor-  
tionment may be  
determined  
by agree-  
ment

- 6a. Notwithstanding section 6, during the first four years that a city in a district is a municipality to which this Act applies, the apportionment among the municipalities in the district of the amount or any part thereof required in one or more of those years by the board for the provision of welfare services in respect of the municipalities, including the expenses incurred for the administration of such services, may be determined by an agreement in writing approved by the Minister between the board and the city.

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1968-69*.







An Act to amend The District  
Welfare Administration Boards  
Act, 1962-63

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*1st Reading*

April 17th, 1969

*2nd Reading*

May 21st, 1969

*3rd Reading*

June 18th, 1969

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MR. YAREMKO

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

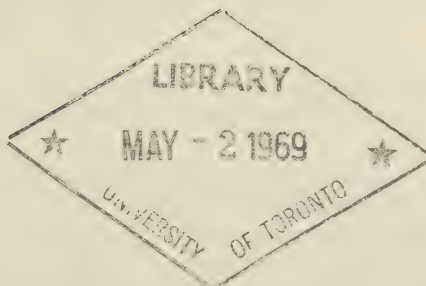
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**An Act to amend The Homemakers and Nurses Services Act**

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MR. YAREMKO

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#### EXPLANATORY NOTES

Where municipalities form part of a county unit for the purpose of administering assistance under *The General Welfare Assistance Act*, the Bill provides that homemakers and nurses services will be provided by the county unit and not by the individual municipalities.

The amendments will also permit Indian bands to provide, with the approval of the Minister, homemaking and nursing services under the Act and such bands will be eligible for a Provincial subsidy in the same manner as municipalities.

BILL 133

1968-69

## An Act to amend The Homemakers and Nurses Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Homemakers and Nurses Services Act* R.S.O. 1960,  
c. 173, s. 1,  
re-enacted is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "band", "council of a band", "member of a band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952,  
c. 149
- (b) "child" means a person under sixteen years of age;
- (c) "Director" means the Director of Homemakers and Nurses Services of the Department of Social and Family Services;
- (d) "Minister" means the Minister of Social and Family Services;
- (e) "municipal welfare administrator" means a person appointed as such under this Act;
- (f) "municipality" means a city, town, village, township or improvement district and, where any municipality forms part of a county for the purpose of administering assistance under *The General Welfare Assistance Act*, means the R.S.O. 1960,  
c. 164 county and not that municipality;
- (g) "physician" means a legally qualified medical practitioner;

(h) "regional welfare administrator" means a person employed as such by the Department of Social and Family Services;

(i) "regulations" means the regulations made under this Act;

(j) "welfare administrator of a band" means a person appointed as such under this Act.

R.S.O. 1960,  
c. 173, s. 2,  
cl. b,  
amended

**2.** Clause *b* of section 2 of *The Homemakers and Nurses Services Act* is amended by inserting after "administrators" in the second line "welfare administrators of bands", so that the clause shall read as follows:

(b) advise regional welfare administrators, municipal welfare administrators, welfare administrators of bands and others as to the manner in which their duties under this Act are to be performed.

R.S.O. 1960,  
c. 173, s. 3,  
amended

**3.** Section 3 of *The Homemakers and Nurses Services Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
welfare  
adminis-  
trator of  
band

(2) The council of a band may, with the approval of the Minister, appoint a member of the band as the welfare administrator of the band for the purposes of this Act.

R.S.O. 1960,  
c. 173, s. 4,  
amended

**4.** Section 4 of *The Homemakers and Nurses Services Act* is amended by striking out "and" in the first line and by inserting after "administrator" in the second line "and every welfare administrator of a band", so that the section shall read as follows:

Power  
to take  
affidavits

4. The Director, every regional welfare administrator, every municipal welfare administrator and every welfare administrator of a band is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

R.S.O. 1960,  
c. 59

R.S.O. 1960,  
c. 173, s. 5,  
re-enacted

**5.** Section 5 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor:

Local  
administra-  
tion

5. A municipality, and with the approval of the Minister, the council of a band, may employ homemakers or nurses or both, for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services which may be provided under this Act for such persons as may be agreed upon.

6. Section 8 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 8,  
re-enacted

8. Application for the services of a homemaker or a nurse under this Act shall, where the person applying for the services resides, Application  
for services

- (a) in a municipality, be made to the municipal welfare administrator;
- (b) on the reserve of a band, be made to the welfare administrator of the band; or
- (c) in territory without municipal organization, be made to the regional welfare administrator of that territory.

7. Subsection 2 of section 9 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 9,  
subs. 2,  
re-enacted

- (2) Where the person's financial circumstances as determined by the regulations do not permit him to pay in full the fees for such services, they may, with the approval of the regional welfare administrator, be paid in whole or in part by the municipality or council of the band, as the case may be, in which case an amount determined by the regulations shall be reimbursed to the municipality or council of the band by the Province in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province in accordance with the regulations. Idem

8.—(1) Clause *f* of section 11 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 11,  
cl. *f*,  
re-enacted

- (*f*) prescribing the manner of computing the amount of reimbursement by the Province to a municipality or the council of a band under section 9.

(2) Clause *h* of the said section 11 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 11,  
cl. *h*,  
re-enacted

- (*h*) defining "residence", "reside" and similar expressions.

(3) Clause *i* of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows: R.S.O. 1960,  
c. 173, s. 11,  
cl. *i*,  
amended

- (i) prescribing the conditions, terms and manner under which claims may be submitted by municipalities and councils of bands to the Province for reimbursement of moneys under section 9.

R.S.O. 1960,  
c. 173, s. 11,  
cl. 1,  
amended

(4) Clause 1 of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands"; so that the clause shall read as follows:

- (1) providing for and requiring inspection of the records and accounts of municipalities and councils of bands that pertain to cases under this Act to which the Province may contribute to the cost.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1968-69*.



An Act to amend The Homemakers  
and Nurses Services Act

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*1st Reading*

April 17th, 1969

*2nd Reading*

*3rd Reading*

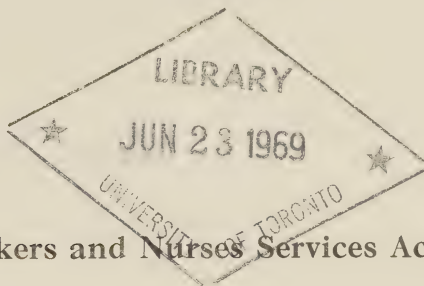
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MR. YAREMKO

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BILL 133

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Homemakers and Nurses Services Act**

MR. YAREMKO

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

Where municipalities form part of a county unit for the purpose of administering assistance under *The General Welfare Assistance Act*, the Bill provides that homemakers and nurses services will be provided by the county unit and not by the individual municipalities.

The amendments will also permit Indian bands to provide home-making and nursing services under the Act and such bands will be eligible for a Provincial subsidy in the same manner as municipalities.

BILL 133

1968-69

## An Act to amend The Homemakers and Nurses Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Homemakers and Nurses Services Act* R.S.O. 1960, c. 173, s. 1, re-enacted is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "band", "council of a band", "member of a band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149
- (b) "child" means a person under sixteen years of age;
- (c) "Director" means the Director of Homemakers and Nurses Services of the Department of Social and Family Services;
- (d) "Minister" means the Minister of Social and Family Services;
- (e) "municipal welfare administrator" means a person appointed as such under this Act;
- (f) "municipality" means a city, town, village, township or improvement district and, where any municipality forms part of a county for the purpose of administering assistance under *The General Welfare Assistance Act*, means the R.S.O. 1960, c. 164 county and not that municipality;
- (g) "physician" means a legally qualified medical practitioner;

- (h) "regional welfare administrator" means a person employed as such by the Department of Social and Family Services;
- (i) "regulations" means the regulations made under this Act;
- (j) "welfare administrator of a band" means a person appointed as such under this Act.

R.S.O. 1960,  
c. 173, s. 2,  
cl. b,  
amended

**2.** Clause *b* of section 2 of *The Homemakers and Nurses Services Act* is amended by inserting after "administrators" in the second line "welfare administrators of bands", so that the clause shall read as follows:

- (b) advise regional welfare administrators, municipal welfare administrators, welfare administrators of bands and others as to the manner in which their duties under this Act are to be performed.

R.S.O. 1960,  
c. 173, s. 3,  
amended

**3.** Section 3 of *The Homemakers and Nurses Services Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
welfare  
adminis-  
trator of  
band

- (2) The council of a band may, with the approval of the Minister, appoint a member of the band as the welfare administrator of the band for the purposes of this Act.

R.S.O. 1960,  
c. 173, s. 4,  
amended

**4.** Section 4 of *The Homemakers and Nurses Services Act* is amended by striking out "and" in the first line and by inserting after "administrator" in the second line "and every welfare administrator of a band", so that the section shall read as follows:

Power  
to take  
affidavits

- 4. The Director, every regional welfare administrator, every municipal welfare administrator and every welfare administrator of a band is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

R.S.O. 1960,  
c. 59

R.S.O. 1960,  
c. 173, s. 5,  
re-enacted

**5.** Section 5 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor:

Local  
administra-  
tion

- 5. A municipality or the council of a band may employ homemakers or nurses, or both, for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services which may be provided under this Act for such persons as may be agreed upon.

**6.** Section 8 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 8,  
re-enacted

8. Application for the services of a homemaker or a nurse under this Act shall, where the person applying for the services resides, Application  
for services

- (a) in a municipality, be made to the municipal welfare administrator;
- (b) on the reserve of a band, be made to the welfare administrator of the band; or
- (c) in territory without municipal organization, be made to the regional welfare administrator of that territory.

**7.** Subsection 2 of section 9 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 9,  
subs. 2,  
re-enacted

- (2) Where the person's financial circumstances as determined by the regulations do not permit him to pay in full the fees for such services, they may, with the approval of the regional welfare administrator, be paid in whole or in part by the municipality or council of the band, as the case may be, in which case an amount determined by the regulations shall be reimbursed to the municipality or council of the band by the Province in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province in accordance with the regulations. Idem

**8.—(1)** Clause *f* of section 11 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 11,  
cl. *f*,  
re-enacted

- (*f*) prescribing the manner of computing the amount of reimbursement by the Province to a municipality or the council of a band under section 9.

(2) Clause *h* of the said section 11 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 173, s. 11,  
cl. *h*,  
re-enacted

- (*h*) defining "residence", "reside" and similar expressions.

(3) Clause *i* of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows: R.S.O. 1960,  
c. 173, s. 11,  
cl. *i*,  
amended

- (i) prescribing the conditions, terms and manner under which claims may be submitted by municipalities and councils of bands to the Province for reimbursement of moneys under section 9.

R.S.O. 1960,  
c. 173, s. 11,  
cl. 1,  
amended

(4) Clause 1 of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows:

- (1) providing for and requiring inspection of the records and accounts of municipalities and councils of bands that pertain to cases under this Act to which the Province may contribute to the cost.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1968-69*.



An Act to amend The Homemakers  
and Nurses Services Act

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*1st Reading*

April 17th, 1969

*2nd Reading*

May 21st, 1969

*3rd Reading*

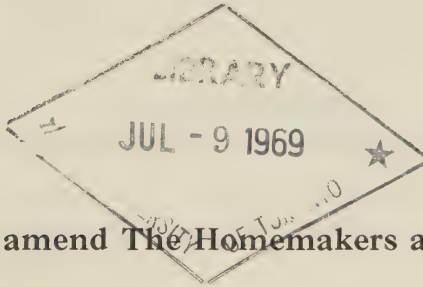
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MR. YAREMKO

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(Reprinted as amended by  
the Committee of the Whole House)

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Homemakers and Nurses Services Act

MR. YAREMKO



## An Act to amend The Homemakers and Nurses Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Homemakers and Nurses Services Act* R.S.O. 1960, c. 173, s. 1, re-enacted is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "band", "council of a band", "member of a band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149
- (b) "child" means a person under sixteen years of age;
- (c) "Director" means the Director of Homemakers and Nurses Services of the Department of Social and Family Services;
- (d) "Minister" means the Minister of Social and Family Services;
- (e) "municipal welfare administrator" means a person appointed as such under this Act;
- (f) "municipality" means a city, town, village, township or improvement district and, where any municipality forms part of a county for the purpose of administering assistance under *The General Welfare Assistance Act*, means the R.S.O. 1960, c. 164 county and not that municipality;
- (g) "physician" means a legally qualified medical practitioner;

(h) "regional welfare administrator" means a person employed as such by the Department of Social and Family Services;

(i) "regulations" means the regulations made under this Act;

(j) "welfare administrator of a band" means a person appointed as such under this Act.

R.S.O. 1960,  
c. 173, s. 2,  
cl. b,  
amended

**2.** Clause *b* of section 2 of *The Homemakers and Nurses Services Act* is amended by inserting after "administrators" in the second line "welfare administrators of bands", so that the clause shall read as follows:

(b) advise regional welfare administrators, municipal welfare administrators, welfare administrators of bands and others as to the manner in which their duties under this Act are to be performed.

R.S.O. 1960,  
c. 173, s. 3,  
amended

**3.** Section 3 of *The Homemakers and Nurses Services Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
welfare  
adminis-  
trator of  
band

(2) The council of a band may, with the approval of the Minister, appoint a member of the band as the welfare administrator of the band for the purposes of this Act.

R.S.O. 1960,  
c. 173, s. 4,  
amended

**4.** Section 4 of *The Homemakers and Nurses Services Act* is amended by striking out "and" in the first line and by inserting after "administrator" in the second line "and every welfare administrator of a band", so that the section shall read as follows:

Power  
to take  
affidavits

4. The Director, every regional welfare administrator, every municipal welfare administrator and every welfare administrator of a band is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

R.S.O. 1960,  
c. 59

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**5.** Section 5 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor:

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tion

5. A municipality or the council of a band may employ homemakers or nurses, or both, for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services which may be provided under this Act for such persons as may be agreed upon.

**6.** Section 8 of *The Homemakers and Nurses Services Act* <sup>R.S.O. 1960,  
c. 173, s. 8,  
re-enacted</sup> is repealed and the following substituted therefor:

8. Application for the services of a homemaker or a nurse under this Act shall, where the person applying for the services resides, <sup>Application  
for services</sup>

- (a) in a municipality, be made to the municipal welfare administrator;
- (b) on the reserve of a band, be made to the welfare administrator of the band; or
- (c) in territory without municipal organization, be made to the regional welfare administrator of that territory.

**7.** Subsection 2 of section 9 of *The Homemakers and Nurses Services Act* <sup>R.S.O. 1960,  
c. 173, s. 9,  
subs. 2,  
re-enacted</sup> is repealed and the following substituted therefor:

- (2) Where the person's financial circumstances as determined by the regulations do not permit him to pay in full the fees for such services, they may, with the approval of the regional welfare administrator, be paid in whole or in part by the municipality or council of the band, as the case may be, in which case an amount determined by the regulations shall be reimbursed to the municipality or council of the band by the Province in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province in accordance with the regulations. <sup>Idem</sup>

**8.**—(1) Clause *f* of section 11 of *The Homemakers and Nurses Services Act* <sup>R.S.O. 1960,  
c. 173, s. 11,  
cl. *f*,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*f*) prescribing the manner of computing the amount of reimbursement by the Province to a municipality or the council of a band under section 9.

(2) Clause *h* of the said section 11 is repealed and the following substituted therefor: <sup>R.S.O. 1960,  
c. 173, s. 11,  
cl. *h*,  
re-enacted</sup>

- (*h*) defining "residence", "reside" and similar expressions.

(3) Clause *i* of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows: <sup>R.S.O. 1960,  
c. 173, s. 11,  
cl. *i*,  
amended</sup>

- (i) prescribing the conditions, terms and manner under which claims may be submitted by municipalities and councils of bands to the Province for reimbursement of moneys under section 9.

R.S.O. 1960,  
c. 173, s. 11,  
cl. 1,  
amended

- (4) Clause 1 of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows:

- (1) providing for and requiring inspection of the records and accounts of municipalities and councils of bands that pertain to cases under this Act to which the Province may contribute to the cost.

Commence-  
ment

- 9.** This Act comes into force on the day it receives Royal Assent.

Short title

- 10.** This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1968-69*.



An Act to amend The Homemakers  
and Nurses Services Act

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*1st Reading*

April 17th, 1969

*2nd Reading*

May 21st, 1969

*3rd Reading*

June 18th, 1969

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MR. YAREMKO

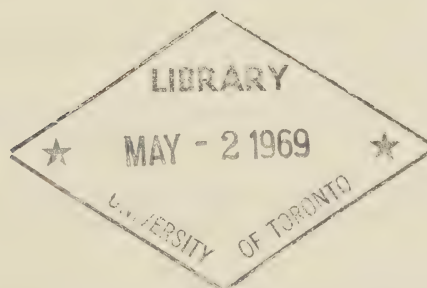
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**BILL 134**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Day Nurseries Act, 1966**

MR. YAREMKO



#### EXPLANATORY NOTES

SECTION 1. Definitions are added and references brought up to date.

BILL 134

1968-69

## An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, 1966, c. 37, s. 1, cl. *a*, 1966 is repealed and the following substituted therefor: re-enacted

(a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149

(aa) “Board” means the Board of Review established under section 5*b*;

(ab) “day nursery” means a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not,

(i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330

(ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368

(iii) part of a private school registered under *The Department of Education Act*, or R.S.O. 1960, c. 94

(iv) a children’s mental health centre under *The Children’s Mental Health Centres Act*, 1968-69, c. 1

(2) Clause *b* of the said section 1 is amended by striking 1966, c. 37, out “Public Welfare” in the second line and inserting in lieu s. 1, cl. *b*, thereof “Social and Family Services” amended

(3) Clause *d* of the said section 1 is amended by striking 1966, c. 37, out “Public Welfare” and inserting in lieu thereof “Social s. 1, cl. *d*, and Family Services” amended

1966, c. 37,  
s. 3, subs. 2,  
re-enacted

**2.** Subsection 2 of section 3 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor:

Grants to  
Indian  
bands

- (2) Where a council of the band establishes a day nursery that is approved by the Minister for the purposes of this section, the band is entitled to the payment referred to in subsection 1 in the same manner as if the band were a municipality.

1966, c. 37,  
s. 4, subs. 1,  
amended

**3.**—(1) Subsection 1 of section 4 of *The Day Nurseries Act, 1966* is amended by striking out "Public Welfare" in the second line and inserting in lieu thereof "Social and Family Services".

1966, c. 37,  
s. 4, subs. 2,  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out "Public Welfare" in the fourth line and inserting in lieu thereof "Social and Family Services".

1966, c. 37,  
s. 5,  
subs. 2-6,  
repealed

**4.** Subsections 2, 3, 4, 5 and 6 of section 5 of *The Day Nurseries Act, 1966* are repealed.

1966, c. 37,  
amended

**5.** *The Day Nurseries Act, 1966* is amended by adding thereto the following sections:

Refusal or  
revocation  
of licence

- 5a. Subject to sections 5b, 5c, 5d, 5e, 5f, 5g, 5h and 5i, the Director may revoke or refuse to issue or renew a licence where,

(a) the operator does not comply with the regulations; or

(b) the day nursery is operated,

(i) in contravention of this Act or the regulations,

(ii) in breach of a term or condition of the licence, or

(iii) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Board of  
Review

5b.—(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members, to be known as the Board of Review and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

SECTION 2. The amended section removes the necessity of Indian bands being approved under *The General Welfare Assistance Act* in order to qualify for grants in respect of a day nursery established by them.

SECTION 3. Self-explanatory.

SECTION 4. The subsections repealed provided for a review by the Child Welfare Review Board of a decision of the Director to not issue or renew or to propose to revoke a licence to operate a day nursery. Section 5 of the Bill provides for a new procedure on appeals.

SECTION 5. The sections added provide for the establishment of a Review Board to hear appeals from a decision of the Director to not issue or renew or to revoke a licence. The practice and procedure before the Board is specified and a further appeal to a justice of the Court of Appeal is provided for.



- (3) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. <sup>Remuneration</sup>

5c.—(1) Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board. <sup>Where Director refuses to issue or renew or proposes to revoke</sup>

- (2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. <sup>Hearing by Board</sup>

- (3) The notice of hearing shall contain, <sup>Contents of notice</sup>

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5d.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. <sup>Parties</sup>

- (2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. <sup>Failure to attend</sup>

5e.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, <sup>Adjournment</sup>

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

- (2) The Board may command the attendance before it of any person as a witness. <sup>Subpoena</sup>

## Oaths

(3) The Board may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Board requires.

## Idem

(4) The Board may admit evidence not given under oath.

## Evidence

(5) At a hearing before the Board,

- (a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

## Offences

(6) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
- (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-  
ment

(7) The Board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after

hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

- 5f.—(1) Any party may be represented before the Board by counsel or agent. Right of party to counsel
- (2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel
- (3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing
- 5g. Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing. Evidence
- 5h.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board
- (2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing
- (3) The reasons for the decision shall contain, Contents of reasons for decision
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
  - (b) any agreed findings of fact; and
  - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
- (4) The Board shall serve each party with a copy of its decision, together with the reasons therefor and a notice stating the right to an appeal under section 5i. Notice of decision
- 5i.—(1) Where the Board has held a hearing and given its decision, any party to the hearing may appeal to a justice of appeal of the Court of Appeal. Appeal

Form of  
appeal

- (2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Board within thirty days after service of the decision of the Board under subsection 4 of section 5*h*, and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material  
on appeal

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court,
- (a) the notices referred to in subsections 1 and 2 of section 5*c*;
  - (b) the decision of the Board together with the reasons therefor;
  - (c) any intermediate rulings or orders made in the course of the proceedings by the Board;
  - (d) a transcript of the oral evidence received at the hearing; and
  - (e) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

Power of  
judge on  
appeal

- (4) Where an appeal is taken under this section, the judge may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge considers proper, and for this purpose the judge may substitute his opinion for that of the Board.

Order of  
judge final

- (5) The order of the judge is final.

1966, c. 37,  
s. 6,  
subss. 1, 2,  
re-enacted

**6.** Subsections 1 and 2 of section 6 of *The Day Nurseries Act*, 1966 are repealed and the following substituted therefor:

Provincial  
supervisors

- (1) The Minister may designate any employee of the Department of Social and Family Services as a provincial supervisor who may at all reasonable times and upon producing proper identification enter any day nursery or any premises that he on reasonable and probable grounds believes is being used as a day nursery and inspect the facilities and the books of account, enrolment records and other records therein.

SECTION 6. The amended section extends the power of a provincial supervisor to enter and inspect day nurseries to premises where he has reason to believe a day nursery is being operated.

SECTIONS 7 and 8. Complementary to sections 4 and 5 of the Bill.

- (2) Every person when requested so to do by a provincial supervisor shall permit the entry and inspection by the supervisor of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. <sup>Access for inspections</sup>

**7.**—(1) Clause *b* of section 7 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 37, s. 7, cl. b, re-enacted</sup>

- (*b*) prescribing procedures for the issuance and renewal of licences by the Director.

(2) Clause *e* of the said section 7 is repealed and the following substituted therefor: <sup>1966, c. 37, s. 7, cl. e, re-enacted</sup>

- (*e*) prescribing additional duties of the Board.

**8.** Subsection 1 of section 8 of *The Day Nurseries Act, 1966* is amended by striking out "subsection 1 of" in the first line, <sup>1966, c. 37, s. 8, subs. 1, amended</sup> so that the subsection shall read as follows:

- (1) Every person who contravenes section 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20 for each day on which such offence continues. <sup>Penalties</sup>

**9.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**10.** This Act may be cited as *The Day Nurseries Amendment Act, 1968-69*. <sup>Short title</sup>





An Act to amend  
The Day Nurseries Act, 1966

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*1st Reading*

April 17th, 1969

*2nd Reading*

*3rd Reading*

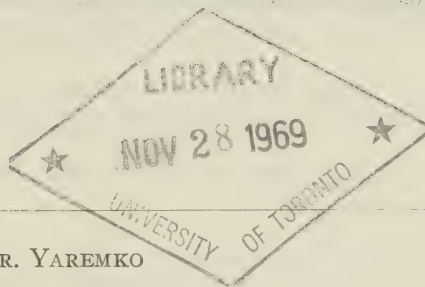
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MR. YAREMKO

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Day Nurseries Act, 1966**



MR. YAREMKO

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

**SECTION 1.** Definitions are added and references brought up to date. Counties are now empowered to establish day nurseries.

BILL 134

1968-69

## An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, 1966, c. 37, s. 1, cl. *a*, re-enacted 1966 is repealed and the following substituted therefor:

(a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149

(aa) “Board” means the Board of Review established under section 5*b*;

(ab) “day nursery” means a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not,

(i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330

(ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368

(iii) part of a private school registered under *The Department of Education Act*, or R.S.O. 1960, c. 94

(iv) a children’s mental health centre under *The Children’s Mental Health Centres Act*, 1968-69, c.

(2) Clause *b* of the said section 1 is amended by striking out “Public Welfare” in the second line and inserting in lieu thereof “Social and Family Services”. 1966, c. 37, s. 1, cl. *b*, amended

(3) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”. 1966, c. 37, s. 1, cl. *d*, amended

1966, c. 37,  
s. 1, cl. e,  
amended

(4) Clause *e* of the said section 1 is amended by striking out "or" in the first line and by inserting after "township" in the first and second lines "or county".

1966, c. 37,  
s. 3, subs. 2,  
re-enacted

2. Subsection 2 of section 3 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor:

Grants to  
Indian bands

(2) Where a council of the band establishes a day nursery, the band is entitled to the payment referred to in subsection 1 in the same manner as if the band were a municipality.

1966, c. 37,  
s. 4, subs. 1,  
amended

3.—(1) Subsection 1 of section 4 of *The Day Nurseries Act, 1966* is amended by striking out "Public Welfare" in the second line and inserting in lieu thereof "Social and Family Services".

1966, c. 37,  
s. 4, subs. 2,  
amended

(2) Subsection 2 of the said section 4 is amended by striking out "Public Welfare" in the fourth line and inserting in lieu thereof "Social and Family Services".

1966, c. 37,  
s. 5,  
subss. 2-6,  
repealed

4. Subsections 2, 3, 4, 5 and 6 of section 5 of *The Day Nurseries Act, 1966* are repealed.

1966, c. 37,  
amended

5. *The Day Nurseries Act, 1966* is amended by adding thereto the following sections:

Refusal or  
revocation  
of licence

5a. Subject to sections 5b, 5c, 5d, 5e, 5f, 5g, 5h and 5i, the Director may revoke or refuse to issue or renew a licence where,

(a) the operator does not comply with the regulations; or

(b) the day nursery is operated,

(i) in contravention of this Act or the regulations,

(ii) in breach of a term or condition of the licence, or

(iii) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Board of  
Review

5b.—(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members, to be known as the Board of Review and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

SECTION 2. The amended section removes the necessity of Indian bands being approved under *The General Welfare Assistance Act* and of the day nursery being approved by the minister in order to qualify for grants in respect of a day nursery established by them.

SECTION 3. Self-explanatory.

SECTION 4. The subsections repealed provided for a review by the Child Welfare Review Board of a decision of the Director to not issue or renew or to propose to revoke a licence to operate a day nursery. Section 5 of the Bill provides for a new procedure on appeals.

SECTION 5. The sections added provide for the establishment of a Review Board to hear appeals from a decision of the Director to not issue or renew or to revoke a licence. The practice and procedure before the Board is specified and a further appeal to a justice of the Court of Appeal is provided for.



- (3) The members of the Board shall be paid such re-<sup>Remunera-</sup>  
muneration and expenses as the Lieutenant Gover-<sup>tion</sup>  
nor in Council from time to time determines.

5c.—(1) Where the Director refuses to issue or renew or  
proposes to revoke a licence, he shall give notice <sup>Where</sup>  
thereof to the applicant or licensee, together with <sup>Director</sup>  
written reasons for his refusal or proposed revoca- <sup>refuses to</sup>  
tion and a notice stating the right to a hearing by <sup>issue or</sup>  
the Board, and the applicant or licensee may, by <sup>renew or</sup>  
written notice given to the Director and the Board <sup>proposes</sup>  
within fifteen days after the receipt of the notice of <sup>to revoke</sup>  
refusal or proposed revocation, require a hearing  
by the Board.

- (2) The Board shall fix a date for the hearing and shall <sup>Hearing by</sup>  
serve notice of the hearing on the parties at least ten <sup>Board</sup>  
days before the day fixed.

- (3) The notice of hearing shall contain, <sup>Contents</sup>  
<sup>of notice</sup>

(a) a statement of the time and place of the  
hearing;

(b) a reference to the rules of procedure applicable  
to the hearing; and

(c) a statement that, if a party who has been duly  
notified does not attend at the hearing, the  
Board may proceed in his absence and he is  
not entitled to notice of any further pro-  
ceedings.

5d.—(1) The Director, the applicant or licensee and <sup>Parties</sup>  
any other person specified by the Board are parties  
to the hearing.

- (2) If a person who has been duly notified of a hearing <sup>Failure to</sup>  
does not attend, the Board may proceed in his <sup>attend</sup>  
absence and he is not entitled to notice of any  
further proceedings.

5e.—(1) A hearing may be adjourned from time to time <sup>Adjourn-</sup>  
by the Board on reasonable grounds, <sup>ment</sup>

(a) on its own motion; or

(b) on the motion of any party to the hearing.

- (2) The Board may command the attendance before it <sup>Subpoena</sup>  
of any person as a witness.

## Oaths

(3) The Board may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Board requires.

## Idem

(4) The Board may admit evidence not given under oath.

## Evidence

(5) At a hearing before the Board,

- (a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

## Offences

(6) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
- (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

## Enforcement

(7) The Board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after

hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

- 5f.—(1) Any party may be represented before the Board by counsel or agent. Right of party to counsel
- (2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel
- (3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing
- 5g. Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing. Evidence
- 5h.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board
- (2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing
- (3) The reasons for the decision shall contain, Contents of reasons for decision
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
  - (b) any agreed findings of fact; and
  - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
- (4) The Board shall serve each party with a copy of its decision, together with the reasons therefor and a notice stating the right to an appeal under section 5i. Notice of decision
- 5i.—(1) Where the Board has held a hearing and given its decision, any party to the hearing may appeal to a justice of appeal of the Court of Appeal. Appeal

Form of  
appeal

- (2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Board within thirty days after service of the decision of the Board under subsection 4 of section 5*h*, and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material  
on appeal

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsections 1 and 2 of section 5*c*;
- (b) the decision of the Board together with the reasons therefor;
- (c) any intermediate rulings or orders made in the course of the proceedings by the Board;
- (d) a transcript of the oral evidence received at the hearing; and
- (e) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

Power of  
judge on  
appeal

- (4) Where an appeal is taken under this section, the judge may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge considers proper, and for this purpose the judge may substitute his opinion for that of the Board.

Order of  
judge final

- (5) The order of the judge is final.

1966, c. 37,  
s. 6,  
subss. 1, 2,  
re-enacted

**6.** Subsections 1 and 2 of section 6 of *The Day Nurseries Act, 1966* are repealed and the following substituted therefor:

Provincial  
supervisors

- (1) The Minister may designate any employee of the Department of Social and Family Services as a provincial supervisor who may at all reasonable times and upon producing proper identification enter any day nursery or any premises that he on reasonable and probable grounds believes is being used as a day nursery and inspect the facilities and the books of account, enrolment records and other records therein.

SECTION 6. The amended section extends the power of a provincial supervisor to enter and inspect day nurseries to premises where he has reason to believe a day nursery is being operated.

SECTIONS 7 and 8. Complementary to sections 4 and 5 of **the Bill.**

- (2) Every person when requested so to do by a provincial supervisor shall permit the entry and inspection by the supervisor of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. <sup>Access for inspections</sup>

**7.**—(1) Clause *b* of section 7 of *The Day Nurseries Act*, 1966, c. 37, s. 7, cl. *b*, re-enacted 1966 is repealed and the following substituted therefor:

- (*b*) prescribing procedures for the issuance and renewal of licences by the Director.


(2) Clause *e* of the said section 7 is repealed and the following substituted therefor: <sup>1966, c. 37, s. 7, cl. *e*, re-enacted</sup>

- (*e*) prescribing additional duties of the Board.

**8.** Subsection 1 of section 8 of *The Day Nurseries Act*, 1966, c. 37, s. 8, subs. 1, is amended by striking out "subsection 1 of" in the first line, <sup>amended</sup> so that the subsection shall read as follows:

- (1) Every person who contravenes section 5 is guilty of <sup>Penalties</sup> an offence and on summary conviction is liable to a fine of not more than \$20 for each day on which such offence continues.

**9.**—(1) This Act, except subsection 4 of section 1, comes <sup>Commence-</sup> into force on the day it receives Royal Assent. <sup>ment</sup>

(2) Subsection 4 of section 1 shall be deemed to have come <sup>Idem</sup> into force on the 31st day of March, 1968. 

**10.** This Act may be cited as *The Day Nurseries Amendment Act*, 1968-69. <sup>Short title</sup>





An Act to amend  
The Day Nurseries Act, 1966

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*1st Reading*

April 17th, 1969

*2nd Reading*

November 5th, 1969

*3rd Reading*

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MR. YAREMKO

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(Reprinted as amended by  
the Committee of the Whole House)

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Day Nurseries Act, 1966**

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MR. YAREMKO

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BILL 134

1968-69

## An Act to amend The Day Nurseries Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, 1966, c. 37, s. 1, cl. *a*, re-enacted 1966 is repealed and the following substituted therefor:

- (a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada); R.S.O. 1952, c. 149
- (aa) “Board” means the Board of Review established under section 5*b*;
- (ab) “day nursery” means a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not,
  - (i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330
  - (ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368
  - (iii) part of a private school registered under *The Department of Education Act*, or R.S.O. 1960, c. 94
  - (iv) a children’s mental health centre under *The Children’s Mental Health Centres Act*, 1968-69. 1968-69, c.

(2) Clause *b* of the said section 1 is amended by striking out “Public Welfare” in the second line and inserting in lieu thereof “Social and Family Services”. 1966, c. 37, s. 1, cl. *b*, amended

(3) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”. 1966, c. 37, s. 1, cl. *d*, amended

1966, c. 37,  
s. 1, cl. *e*,  
amended

(4) Clause *e* of the said section 1 is amended by striking out “or” in the first line and by inserting after “township” in the first and second lines “or county”.

1966, c. 37,  
s. 3, subs. 2,  
re-enacted

**2.** Subsection 2 of section 3 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor:

Grants to  
Indian bands

(2) Where a council of the band establishes a day nursery, the band is entitled to the payment referred to in subsection 1 in the same manner as if the band were a municipality.

1966, c. 37,  
s. 4, subs. 1,  
amended

**3.**—(1) Subsection 1 of section 4 of *The Day Nurseries Act, 1966* is amended by striking out “Public Welfare” in the second line and inserting in lieu thereof “Social and Family Services”.

1966, c. 37,  
s. 4, subs. 2,  
amended

(2) Subsection 2 of the said section 4 is amended by striking out “Public Welfare” in the fourth line and inserting in lieu thereof “Social and Family Services”.

1966, c. 37,  
s. 5,  
subss. 2-6,  
repealed

**4.** Subsections 2, 3, 4, 5 and 6 of section 5 of *The Day Nurseries Act, 1966* are repealed.

1966, c. 37,  
amended

**5.** *The Day Nurseries Act, 1966* is amended by adding thereto the following sections:

Refusal of  
revocation  
of licence

**5a.** Subject to sections *5b*, *5c*, *5d*, *5e*, *5f*, *5g*, *5h* and *5i*, the Director may revoke or refuse to issue or renew a licence where,

(a) the operator does not comply with the regulations; or

(b) the day nursery is operated,

(i) in contravention of this Act or the regulations,

(ii) in breach of a term or condition of the licence, or

(iii) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Board of  
Review

**5b.**—(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members, to be known as the Board of Review and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

- (3) The members of the Board shall be paid such re-<sup>Remunera-</sup>  
muneration and expenses as the Lieutenant Gover-<sup>tion</sup>  
nor in Council from time to time determines.

5c.—(1) Where the Director refuses to issue or renew or <sup>Where</sup>  
proposes to revoke a licence, he shall give notice <sup>Director</sup>  
thereof to the applicant or licensee, together with <sup>refuses to</sup>  
written reasons for his refusal or proposed revoca- <sup>issue or</sup>  
tion and a notice stating the right to a hearing by <sup>renew or</sup>  
the Board, and the applicant or licensee may, by <sup>proposes</sup>  
written notice given to the Director and the Board <sup>to revoke</sup>  
within fifteen days after the receipt of the notice of  
refusal or proposed revocation, require a hearing  
by the Board.

- (2) The Board shall fix a date for the hearing and shall <sup>Hearing by</sup>  
serve notice of the hearing on the parties at least ten <sup>Board</sup>  
days before the day fixed.

- (3) The notice of hearing shall contain, <sup>Contents</sup>  
<sup>of notice</sup>

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5d.—(1) The Director, the applicant or licensee and <sup>Parties</sup>  
any other person specified by the Board are parties  
to the hearing.

- (2) If a person who has been duly notified of a hearing <sup>Failure to</sup>  
does not attend, the Board may proceed in his <sup>attend</sup>  
absence and he is not entitled to notice of any  
further proceedings.

5e.—(1) A hearing may be adjourned from time to time <sup>Adjourn-</sup>  
by the Board on reasonable grounds, <sup>ment</sup>

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

- (2) The Board may command the attendance before it <sup>Subpoena</sup>  
of any person as a witness.

## Oaths

(3) The Board may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Board requires.

## Idem

(4) The Board may admit evidence not given under oath.

## Evidence

(5) At a hearing before the Board,

- (a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

## Offences

(6) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
- (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

## Enforcement

(7) The Board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after

hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

- 5f.—(1) Any party may be represented before the Board by counsel or agent. Right of party to counsel
- (2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel
- (3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing
- 5g. Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing. Evidence
- 5h.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board
- (2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing
- (3) The reasons for the decision shall contain, Contents of reasons for decision
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
  - (b) any agreed findings of fact; and
  - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
- (4) The Board shall serve each party with a copy of its decision, together with the reasons therefor and a notice stating the right to an appeal under section 5i. Notice of decision
- 5i.—(1) Where the Board has held a hearing and given its decision, any party to the hearing may appeal to a justice of appeal of the Court of Appeal. Appeal

Form of  
appeal

- (2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Board within thirty days after service of the decision of the Board under subsection 4 of section 5*h*, and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material  
on appeal

- (3) The chairman of the Board shall certify to the Registrar of the Supreme Court,
- (a) the notices referred to in subsections 1 and 2 of section 5*c*;
  - (b) the decision of the Board together with the reasons therefor;
  - (c) any intermediate rulings or orders made in the course of the proceedings by the Board;
  - (d) a transcript of the oral evidence received at the hearing; and
  - (e) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

Power of  
judge on  
appeal

- (4) Where an appeal is taken under this section, the judge may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge considers proper, and for this purpose the judge may substitute his opinion for that of the Board.

Order of  
judge final

- (5) The order of the judge is final.

1966, c. 37,  
s. 6,  
subss. 1, 2,  
re-enacted

**6.** Subsections 1 and 2 of section 6 of *The Day Nurseries Act*, 1966 are repealed and the following substituted therefor:

Provincial  
supervisors

- (1) The Minister may designate any employee of the Department of Social and Family Services as a provincial supervisor who may at all reasonable times and upon producing proper identification enter any day nursery or any premises that he on reasonable and probable grounds believes is being used as a day nursery and inspect the facilities and the books of account, enrolment records and other records therein.

- (2) Every person when requested so to do by a provincial supervisor shall permit the entry and inspection by the supervisor of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. Access for inspections

**7.**—(1) Clause *b* of section 7 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor: 1966, c. 37, s. 7, cl. b, re-enacted

- (*b*) prescribing procedures for the issuance and renewal of licences by the Director.

(2) Clause *e* of the said section 7 is repealed and the following substituted therefor: 1966, c. 37, s. 7, cl. e, re-enacted

- (*e*) prescribing additional duties of the Board.

**8.** Subsection 1 of section 8 of *The Day Nurseries Act, 1966* is amended by striking out "subsection 1 of" in the first line, so that the subsection shall read as follows: 1966, c. 37, s. 8, subs. 1, amended

- (1) Every person who contravenes section 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20 for each day on which such offence continues. Penalties

**9.**—(1) This Act, except subsection 4 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 4 of section 1 shall be deemed to have come into force on the 31st day of March, 1968. Idem

**10.** This Act may be cited as *The Day Nurseries Amendment Act, 1968-69*. Short title





An Act to amend  
The Day Nurseries Act, 1966

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*1st Reading*

April 17th, 1969

*2nd Reading*

November 5th, 1969

*3rd Reading*

November 24th, 1969

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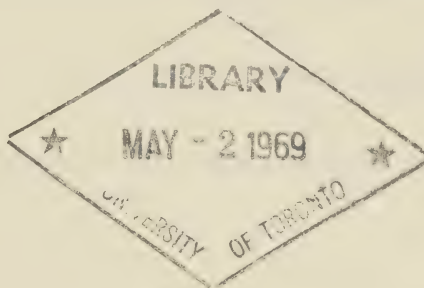
MR. YAREMKO

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Police Act**

MR. SHULMAN



EXPLANATORY NOTE

Self-explanatory.

BILL 135

1968-69

## An Act to amend The Police Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

47b.—(1) No member of a police force shall have, possess, use or cause to be used the substance known as chemical mace, as a means of preserving or attempting to preserve the peace or of preventing or attempting to prevent the commission of crimes or other offences. Use of  
chemical  
mace  
prohibited

(2) A member of a police force who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than two years, or to both. Offence

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Police Amendment Act*, Short title  
1968-69.

An Act to amend  
The Police Act

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*1st Reading*

April 17th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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**BILL 136**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to establish  
a Commission to evaluate Government Programs**

MR. SHULMAN

#### EXPLANATORY NOTE

The Bill establishes a Commission whose functions are to study and evaluate provincial programs and whose findings and recommendations thereon are to be submitted to the Assembly on or before July 1st, 1970.

BILL 136

1968-69

## An Act to establish a Commission to evaluate Government Programs

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** There is hereby established a commission to evaluate Government programs, herein called the Commission. Commission  
established

**2.—(1)** The Commission shall be composed as follows: Composition

1. Seven members appointed by the political interest representing the Government of the day.
2. Three members appointed by the political interest having the second largest representation in the Assembly.
3. Two members appointed by the political interest having the third largest representation in the Assembly.

**(2)** Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Vacancy

**3.** The Commission shall elect a chairman and a vice-chairman from among its members. Chairman  
and vice-  
chairman

**4.** Seven members of the Commission constitute a quorum. Quorum

**5.** The Commission shall make a full and complete study and evaluation of existing provincial programs and activities, both old and new, and of projected expansions of such programs and activities for the purpose of determining, in the light of the fundamental needs of Ontario and its vital objectives, Functions  
of  
Commission

- (a)** the effectiveness of each such program or activity in terms of its present and projected costs;

(b) whether such program or activity should be continued; and

(c) in the allocation of provincial funds, the relative priority that should be assigned to such program or activity.

Powers of  
Commission

**6.**—(1) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

Idem

(2) The chairman or vice-chairman of the Commission may administer oaths or affirmations to witnesses appearing before it.

Idem

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Idem

(4) The Commission may secure directly from any department or agency of the Province of Ontario information necessary to enable it to carry out this Act and upon the request of the chairman or vice-chairman of the Commission such department or agency shall furnish such information to the Commission.

Report of  
Commission

**7.** The Commission shall, on or before the 1st day of July, 1970, lay before the Assembly a comprehensive report of its study and evaluation, together with the recommendations, including any recommendations as to legislative enactments and administrative actions, of the changes in provincial programs and activities that in its judgment are necessary to meet the fundamental needs and vital objectives of Ontario.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Government Programs Evaluation Commission Act, 1968-69*.







An Act to establish a Commission  
to evaluate Government Programs

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*1st Reading*

April 18th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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## BILL 137

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Highway Traffic Act**

MR. SHULMAN

#### EXPLANATORY NOTE

The Bill makes it an offence for a dealer in used motor vehicles to:

1. Sell a used motor vehicle knowing its odometer has been altered, without making a full disclosure in writing regarding the alteration.
2. Alter the odometer of a used motor vehicle for the purpose of deceiving a purchaser or prospective purchaser.

## BILL 137

1968-69

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

49a.—(1) No dealer in used motor vehicles shall,

- (a) sell or offer for sale any used motor vehicle, knowing that the odometer thereof has been altered in any manner for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle, without making a full disclosure in writing regarding such alteration; or
- (b) alter the odometer on any used motor vehicle for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle.

Altering  
odometer to  
deceive  
purchaser  
of used  
motor  
vehicle  
prohibited

- (2) A dealer in used motor vehicles who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. Offence

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*. Short title

An Act to amend  
The Highway Traffic Act

*1st Reading*

April 21st, 1969

*2nd Reading*

*3rd Reading*

MR. SHULMAN

B  
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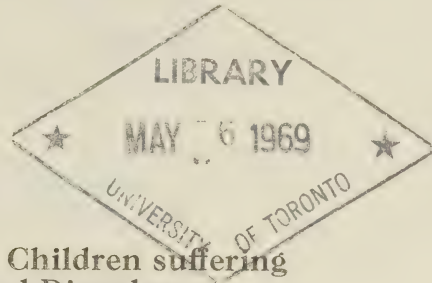
PUBLICATION

**BILL 138**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act respecting Facilities for Children suffering  
from Mental or Emotional Disorders**

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MR. DYMOND

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTE

The Bill authorizes the establishment by the Minister of Health of facilities for children suffering from mental or emotional disorders and provides for the licensing, regulation and control of other such facilities. Provision is also made for provincial grants to children's mental health centres.

BILL 138

1968-69

## An Act respecting Facilities for Children suffering from Mental or Emotional Disorders

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Review established under section 7;
- (b) "children's mental health centre" or "centre" means premises, facilities and services provided for children suffering from mental or emotional disorders;
- (c) "Director" means the Director of the Children's Service Branch of the Mental Health Division of the Department of Health;
- (d) "Minister" means the Minister of Health;
- (e) "regulations" means the regulations made under this Act.

**2.—(1)** This Act does not apply to such children's mental health centres as are exempted by the regulations. Application  
of Act

(2) Where the provisions of any Act, except *The Mental Health Act, 1967* and the regulations thereunder, conflict with this Act or the regulations, the provisions of this Act and the regulations prevail, and any provision in any other Act requiring or authorizing the licensing or registration of a children's mental health centre in any other capacity does not apply. Idem  
1967, c. 51

**3.** The Minister, with the approval of the Lieutenant Governor in Council, may establish and operate one or more children's mental health centres. Centres  
established  
by Minister

Licences	<b>4.</b> —(1) No person shall operate a children's mental health centre unless it is licensed under this Act.
Idem	(2) Subsection 1 does not apply to a facility established under section 3.
Issuance	<b>5.</b> The Director shall issue a licence in respect of a centre that complies with this Act and with the regulations.
Revocation of licences	<b>6.</b> Subject to sections 8 to 14, the Director may revoke a licence where the centre is operated, <ul style="list-style-type: none"> <li>(a) in contravention of this Act or the regulations;</li> <li>(b) in breach of a condition of the licence; or</li> <li>(c) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.</li> </ul>
Board of Review	<b>7.</b> —(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members, to be known as the Board of Review, and may designate one member of the Board as chairman.
Quorum	(2) Three members of the Board of Review constitute a quorum.
Refusal to issue or revocation	<b>8.</b> —(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.
Hearing by Board	(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.
Contents of notice	(3) The notice of hearing shall contain, <ul style="list-style-type: none"> <li>(a) a statement of the time and place of the hearing;</li> <li>(b) a statement of the statutory power under which the hearing is being held;</li> <li>(c) a reference to the rules of procedure applicable to the hearing;</li> </ul>

(d) a concise statement of the issues; and

(e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

**9.**—(1) The Director, the applicant or licensee and any <sup>Parties</sup> other person specified by the Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does <sup>Failure to</sup> not attend, the Board may proceed in his absence.

**10.**—(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of <sup>Subpoenas</sup> any person as a witness.

(3) The Board may require any person, <sup>Oaths</sup>

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. <sup>Idem</sup>

(5) Any person who, without lawful excuse, <sup>Offences</sup>

(a) on being duly summoned as a witness before the Board, makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-  
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of  
party to  
counsel

**11.**—(1) Any party may be represented before the Board by counsel or agent.

Right of  
witness to  
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of  
parties at  
hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Evidence

**12.** Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Powers of  
Board

**13.**—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

Decision to  
be in  
writing

(2) The decision of the Board, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 14.

**14.**—(1) Upon the request of any party to the hearing before the Board, made within fifteen days after being served with a decision under subsection 4 of section 13, the Minister shall review the record and the decision of the Board and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final. Review by Minister

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Board. Reasons

**15.** The Minister may at any time during the course of the proceedings under sections 8 to 14 apply *ex parte* to a judge of the High Court by originating notice of motion for an order authorizing the Minister to occupy and operate the centre under section 16, pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the best interests or protection of the children in the centre. Order for interim management

**16.**—(1) Where the licence of a centre is revoked, the parent or guardian of each child in the centre shall arrange for the removal of the child as soon as is practicable in the best interests of the child and the Minister shall assist in finding alternative accommodation and treatment for the child. Removal of children

(2) For the purposes of arranging alternative accommodation and treatment of children under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, immediately occupy and operate the centre, or arrange for the centre to be occupied and operated by a person or organization designated by him, for a period not exceeding six months. Interim management  
1968-69, c.

(3) Where the licence of a centre is revoked, the operator and owner of the centre shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the children in the centre. Records

**17.**—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing. Inspectors

(2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector. Duties

Idem

(3) Where an inspector believes on reasonable grounds that any premises are being used for the care and maintenance of a group of children of unrelated parentage suffering from mental and emotional disorders he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof.

Service of  
notices

**18.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Grants

**19.** The Minister shall pay children's mental health centres provincial aid out of moneys appropriated by the Legislature therefor in such manner and in such amounts and under such conditions as are prescribed by the regulations.

Penalty

**20.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Idem

(2) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Regulations

**21.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) exempting any centre or any class thereof from the provisions of this Act;
- (b) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;
- (c) governing the management, conduct, operation and use of centres;
- (d) prescribing the accommodation, facilities, equipment and services in centres;
- (e) providing for the officers and staff of centres and prescribing their qualifications;
- (f) governing the establishment, location, and construction of centres and their alteration and renovation;

- (g) classifying children suffering from mental or emotional disorders and limiting the classes of children that may be admitted to any centre or class thereof;
- (h) prescribing the classes of grants by way of provincial aid to any centre or class thereof and the methods of determining the amounts of grants and providing for the manner and time of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (i) prescribing additional duties for the Board of Review;
- (j) prescribing the duties of inspectors;
- (k) requiring persons operating centres to furnish such information and returns as are prescribed;
- (l) prescribing forms for the purposes of this Act and the regulations and providing for their use.

(2) The regulations may provide that any provision is <sup>Application</sup> limited in its application to any specified class of centres.

**22.** The moneys required for the purposes of this Act <sup>Moneys</sup> shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys that are appropriated therefor by the Legislature.

**23.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation.

**24.** This Act may be cited as *The Children's Mental* <sup>Short title</sup> *Health Centres Act, 1968-69.*





An Act respecting Facilities for Children  
suffering from Mental or  
Emotional Disorders

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*1st Reading*

April 22nd, 1969

*2nd Reading*

*3rd Reading*

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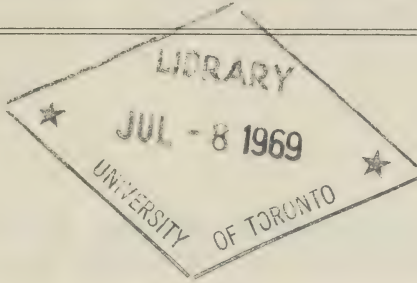
MR. DYMOND

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**BILL 138**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act respecting Facilities for Children suffering  
from Mental or Emotional Disorders**

MR. DYMOND

*(Reprinted as amended by the Committee on Health)*

#### EXPLANATORY NOTE

The Bill authorizes the establishment by the Minister of Health of facilities for children suffering from mental or emotional disorders and provides for the licensing, regulation and control of other such facilities. Provision is also made for provincial grants to children's mental health centres.

## BILL 138

1968-69

## An Act respecting Facilities for Children suffering from Mental or Emotional Disorders

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Review established under section 7;
- (b) "children's mental health centre" or "centre" means premises, facilities and services provided for children suffering from mental or emotional disorders;
- (c) "Director" means the Director of the Children's Service Branch of the Mental Health Division of the Department of Health;
- (d) "Minister" means the Minister of Health;
- (e) "regulations" means the regulations made under this Act.

**2.**—(1) This Act does not apply to such children's mental health centres as are exempted by the regulations. Application  
of Act

(2) Where the provisions of any Act, except *The Mental Health Act, 1967* and the regulations thereunder, conflict with this Act or the regulations, the provisions of this Act and the regulations prevail, and any provision in any other Act requiring or authorizing the licensing or registration of a children's mental health centre in any other capacity does not apply. Idem  
1967, c. 51

**3.** The Minister, with the approval of the Lieutenant Governor in Council, may establish and operate one or more children's mental health centres. Centres  
established  
by Minister

Licences  
required

**4.**—(1) No person shall establish, operate or maintain a centre except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Exception

(2) Subsection 1 does not apply to a facility established under section 3.

Refusal  
to issue

**5.** The Director may refuse to issue a licence,

- (a) where the proposed operation would be in contravention of this Act or the regulations; or
- (b) where there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

Revocation  
of licences

**6.** Subject to sections 8 to 14, the Director may revoke a licence where the centre is operated,

- (a) in contravention of this Act or the regulations;
- (b) in breach of a condition of the licence; or
- (c) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Board of  
Review

**7.**—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Board of Review, and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board of Review constitute a quorum.

Refusal to  
issue or  
revocation

**8.**—(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.

Hearing  
by Board

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents  
of notice

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Board under subsection 1;

- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

**9.**—(1) The Director, the applicant or licensee and any <sup>Parties</sup> other person specified by the Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does <sup>Failure to attend</sup> not attend, the Board may proceed in his absence.

**10.**—(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of <sup>Subpoenas</sup> any person as a witness.

(3) The Board may require any person, <sup>Oaths</sup>

- (a) to give evidence on oath or by affirmation at a hearing; and
- (b) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. <sup>Idem</sup>

(5) Any person who, without lawful excuse, <sup>Offences</sup>

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

- (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-  
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of  
party to  
counsel

**11.—**(1) Any party may be represented before the Board by counsel or agent.

Right of  
witness to  
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of  
parties at  
hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Evidence

**12.** Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Powers of  
Board

**13.—**(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

Decision to  
be in  
writing

(2) The decision of the Board, including the reasons therefor, shall be in writing.

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 14. <sup>Notice of decision</sup>

**14.**—(1) Upon the request of any party to the hearing before the Board, made within fifteen days after being served with a decision under subsection 4 of section 13, the Minister shall review the record and the decision of the Board and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law. <sup>Review by Minister</sup>

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Board within thirty days after he receives the request for the review. <sup>Reasons</sup>

(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to a judge of the Court of Appeal. <sup>Appeal on point of law</sup>

**15.** The Minister may at any time during the course of the proceedings under sections 8 to 14 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Minister to occupy and operate the centre under section 16, pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the best interests or protection of the children in the centre. <sup>Order for interim management</sup>

**16.**—(1) Where the licence of a centre is revoked, and the revocation becomes final, the parent or guardian of each child in the centre shall arrange for the removal of the child as soon as is practicable in the best interests of the child and the Minister shall assist in finding alternative accommodation and treatment for the child. <sup>Removal of children</sup>

(2) For the purposes of arranging alternative accommodation and treatment of children under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, immediately occupy and operate the centre, or arrange for the centre to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the owner under that Act, except the right to possession, are preserved. <sup>Interim management 1968-69, c.</sup>

(3) Where the licence of a centre is revoked, the operator and owner of the centre shall hand over to the Minister, or a <sup>Records</sup>

person designated by him, all the records that are in their possession or control and that pertain to the children in the centre.

- Inspectors**      **17.**—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.
- Duties**          (2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector.
- Idem**            (3) Where an inspector believes on reasonable grounds that any premises are being used for the care and maintenance of a group of children of unrelated parentage suffering from mental and emotional disorders he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof.
- Service of notices**      **18.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.
- Grants**          **19.** The Minister shall pay children's mental health centres provincial aid out of moneys appropriated by the Legislature therefor in such manner and in such amounts and under such conditions as are prescribed by the regulations.
- Penalty**          **20.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.
- Corporations**      (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.
- Idem**            (3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Limitation**      (4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.
- Regulations**      **21.**—(1) The Lieutenant Governor in Council may make regulations,
- (a) exempting any centre or any class thereof from the provisions of this Act;

- (b) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;
- (c) governing the management, conduct, operation and use of centres;
- (d) prescribing the accommodation, facilities, equipment and services in centres;
- (e) providing for the officers and staff of centres and prescribing their qualifications;
- (f) governing the establishment, location, and construction of centres and their alteration and renovation;
- (g) classifying children suffering from mental or emotional disorders and limiting the classes of children that may be admitted to any centre or class thereof;
- (h) prescribing the classes of grants by way of provincial aid to any centre or class thereof and the methods of determining the amounts of grants and providing for the manner and time of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (i) prescribing additional duties for the Board of Review;
- (j) prescribing the duties and qualifications of inspectors;
- (k) requiring persons operating centres to furnish such information and returns as are prescribed;
- (l) prescribing forms for the purposes of this Act and the regulations and providing for their use.

(2) The regulations may provide that any provision is <sup>Application</sup> limited in its application to any specified class of centres.

**22.** The moneys required for the purposes of this Act <sup>Moneys</sup> shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys that are appropriated therefor by the Legislature.

**23.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation. <sup>ment</sup>

**24.** This Act may be cited as *The Children's Mental* <sup>Short title</sup> *Health Centres Act, 1968-69.*





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An Act respecting Facilities for Children  
suffering from Mental or  
Emotional Disorders

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*1st Reading*

April 22nd, 1969

*2nd Reading*

May 14th, 1969

*3rd Reading*

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MR. DYMOND

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*(Reprinted as amended by  
the Committee on Health)*

**BILL 138**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act respecting Facilities for Children suffering  
from Mental or Emotional Disorders**

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MR. WELLS

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The Bill authorizes the establishment by the Minister of Health of facilities for children suffering from mental or emotional disorders and provides for the licensing, regulation and control of other such facilities. Provision is also made for provincial grants to children's mental health centres.

BILL 138

1968-69

## An Act respecting Facilities for Children suffering from Mental or Emotional Disorders

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Licensing Board of Review established under section 7;
- (b) "children's mental health centre" or "centre" means premises, facilities and services provided for children suffering from mental or emotional disorders and designated as such by the regulations;
- (c) "Director" means the Director of the Children's Service Branch of the Mental Health Division of the Department of Health;
- (d) "Minister" means the Minister of Health;
- (e) "regulations" means the regulations made under this Act.

**2.** Where the provisions of any Act, except *The Mental Health Act, 1967* and the regulations thereunder, conflict with <sup>Application of 1967, c. 51</sup> this Act or the regulations, the provisions of this Act and the regulations prevail, and any provision in any other Act requiring or authorizing the licensing or registration of a children's mental health centre in any other capacity does not apply.

**3.** The Minister, with the approval of the Lieutenant Governor in Council, may establish and operate one or more <sup>Centres established by Minister</sup> children's mental health centres.

Licences  
required

**4.**—(1) No person shall establish, operate or maintain a centre except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Exception

(2) Subsection 1 does not apply to a facility established under section 3.

Refusal  
to issue

**5.** The Director may refuse to issue a licence,

- (a) where the proposed operation would be in contravention of this Act or the regulations; or
- (b) where there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

Revocation  
of licences

**6.** Subject to sections 8 to 14, the Director may revoke a licence where the centre is operated,

- (a) in contravention of this Act or the regulations;
- (b) in breach of a condition of the licence; or
- (c) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Licensing  
Board of  
Review

**7.**—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Licensing Board of Review, and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Licensing Board of Review constitute a quorum.

Refusal to  
issue or  
revocation

**8.**—(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.

Hearing  
by Board

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents  
of notice

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Board under subsection 1;

- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

**9.—**(1) The Director, the applicant or licensee and any <sup>Parties</sup> other person specified by the Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does <sup>Failure to attend</sup> not attend, the Board may proceed in his absence.

**10.—**(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of <sup>Subpoenas</sup> any person as a witness.

(3) The Board may require any person, <sup>Oaths</sup>

- (a) to give evidence on oath or by affirmation at a hearing; and
- (b) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. <sup>Idem</sup>

(5) Any person who, without lawful excuse, <sup>Offences</sup>

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

**11.**—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings public

(4) All hearings shall be open to the public except where, in the opinion of the Board, it would not be in the best interests of a child in a centre, in which case the Board shall hold the hearing or part thereof affecting such matter *in camera*.

Exclusion of counsel

(5) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Evidence

**12.**—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Release of exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Powers of Board

**13.**—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

**14.**—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

**15.** The Minister may at any time during the course of the proceedings under sections 8 to 14 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Minister to occupy and operate the centre under section 16, pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the best interests or protection of the children in the centre. Order for interim management

**16.**—(1) Where the licence of a centre is revoked, and the revocation becomes final, the parent or guardian of each child in the centre shall arrange for the removal of the child as soon as is practicable in the best interests of the child and the Minister shall assist in finding alternative accommodation and treatment for the child. Removal of children

Interim  
manage-  
ment  
1968-69,  
c....

(2) For the purposes of arranging alternative accommodation and treatment of children under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, immediately occupy and operate the centre, or arrange for the centre to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the owner under that Act, except the right to possession, are preserved.

Records

(3) Where the licence of a centre is revoked, the operator and owner of the centre shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the children in the centre.

Inspectors

**17.**—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Duties

(2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector.

Idem

(3) Where an inspector believes on reasonable grounds that any premises are being used for the care and maintenance of a group of children of unrelated parentage suffering from mental and emotional disorders he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof.

Service of  
notices

**18.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Grants

**19.** The Minister shall pay children's mental health centres provincial aid out of moneys appropriated by the Legislature therefor in such manner and in such amounts and under such conditions as are prescribed by the regulations.

Penalty

**20.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Corpora-  
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

Idem

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(4) No proceeding under this section shall be commenced <sup>Limitation</sup> more than one year after the time when the subject-matter of the proceeding arose.

**21.**—(1) The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) designating centres for the purposes of clause *b* of section 1, and classifying such centres;
- (b) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;
- (c) governing the management, conduct, operation and use of centres;
- (d) governing and prescribing the accommodation, facilities, equipment and services in centres;
- (e) providing for the officers and staff of centres and their qualifications;
- (f) governing the establishment, location, and construction of centres and their alteration and renovation;
- (g) classifying children suffering from mental or emotional disorders and limiting the classes of children that may be admitted to any centre or class thereof;
- (h) prescribing the classes of grants by way of provincial aid to any centre or class thereof and the methods of determining the amounts of grants and providing for the manner and time of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (i) prescribing additional duties for the Licensing Board of Review;
- (j) prescribing the duties and qualifications of inspectors;
- (k) requiring persons operating centres to furnish such information and returns as are prescribed;
- (l) prescribing forms for the purposes of this Act and the regulations and providing for their use.

- Application** (2) The regulations may provide that any provision is limited in its application to any specified class of centres.
- Moneys** **22.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys that are appropriated therefor by the Legislature.
- Commence-  
ment** **23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **24.** This Act may be cited as *The Children's Mental Health Centres Act, 1968-69*.



An Act respecting Facilities for Children  
suffering from Mental or  
Emotional Disorders

*1st Reading*

April 22nd, 1969

Government  
Publications

*2nd Reading*

May 14th, 1969

*3rd Reading*

MR. WELLS

(Reprinted as amended by the  
Committee of the Whole House)



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**BILL 138**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act respecting Facilities for Children suffering  
from Mental or Emotional Disorders**

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MR. WELLS

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BILL 138

1968-69

## An Act respecting Facilities for Children suffering from Mental or Emotional Disorders

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Licensing Board of Review established under section 7;
- (b) "children's mental health centre" or "centre" means premises, facilities and services provided for children suffering from mental or emotional disorders and designated as such by the regulations;
- (c) "Director" means the Director of the Children's Service Branch of the Mental Health Division of the Department of Health;
- (d) "Minister" means the Minister of Health;
- (e) "regulations" means the regulations made under this Act.

**2.** Where the provisions of any Act, except *The Mental Health Act, 1967* and the regulations thereunder, conflict with this Act or the regulations, the provisions of this Act and the regulations prevail, and any provision in any other Act requiring or authorizing the licensing or registration of a children's mental health centre in any other capacity does not apply.

**3.** The Minister, with the approval of the Lieutenant Governor in Council, may establish and operate one or more children's mental health centres.

Centres  
established  
by Minister

Licences  
required

4.—(1) No person shall establish, operate or maintain a centre except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Exception

(2) Subsection 1 does not apply to a facility established under section 3.

Refusal  
to issue

5. The Director may refuse to issue a licence,

- (a) where the proposed operation would be in contravention of this Act or the regulations; or
- (b) where there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

Revocation  
of licences

6. Subject to sections 8 to 14, the Director may revoke a licence where the centre is operated,

- (a) in contravention of this Act or the regulations;
- (b) in breach of a condition of the licence; or
- (c) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Licensing  
Board of  
Review

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Licensing Board of Review, and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Licensing Board of Review constitute a quorum.

Refusal to  
issue or  
revocation

8.—(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.

Hearing  
by Board

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents  
of notice

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Board under subsection 1;

- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

**9.—**(1) The Director, the applicant or licensee and any <sup>Parties</sup> other person specified by the Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does <sup>Failure to</sup> not attend, the Board may proceed in his absence.

**10.—**(1) A hearing may be adjourned from time to time <sup>Adjournment</sup> by the Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of <sup>Subpoenas</sup> any person as a witness.

(3) The Board may require any person, <sup>Oaths</sup>

- (a) to give evidence on oath or by affirmation at a hearing; and
- (b) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. <sup>Idem</sup>

(5) Any person who, without lawful excuse, <sup>Offences</sup>

- (a) on being duly summoned as a witness before the Board, makes default in attending; or
- (b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-  
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of  
party to  
counsel

**11.—**(1) Any party may be represented before the Board by counsel or agent.

Right of  
witness to  
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of  
parties at  
hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings  
public

(4) All hearings shall be open to the public except where, in the opinion of the Board, it would not be in the best interests of a child in a centre, in which case the Board shall hold the hearing or part thereof affecting such matter *in camera*.

Exclusion of  
counsel

(5) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Evidence

**12.—**(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Release of  
exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Powers of  
Board

**13.—**(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

**14.**—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

**15.** The Minister may at any time during the course of the proceedings under sections 8 to 14 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Minister to occupy and operate the centre under section 16, pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the best interests or protection of the children in the centre. Order for interim management

**16.**—(1) Where the licence of a centre is revoked, and the revocation becomes final, the parent or guardian of each child in the centre shall arrange for the removal of the child as soon as is practicable in the best interests of the child and the Minister shall assist in finding alternative accommodation and treatment for the child. Removal of children

Interim  
manage-  
ment  
1968-69,  
c....

(2) For the purposes of arranging alternative accommodation and treatment of children under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, immediately occupy and operate the centre, or arrange for the centre to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the owner under that Act, except the right to possession, are preserved.

Records

(3) Where the licence of a centre is revoked, the operator and owner of the centre shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the children in the centre.

Inspectors

**17.**—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Duties

(2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector.

Idem

(3) Where an inspector believes on reasonable grounds that any premises are being used for the care and maintenance of a group of children of unrelated parentage suffering from mental and emotional disorders he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof.

Service of  
notices

**18.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Grants

**19.** The Minister shall pay children's mental health centres provincial aid out of moneys appropriated by the Legislature therefor in such manner and in such amounts and under such conditions as are prescribed by the regulations.

Penalty

**20.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Corpora-  
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

Idem

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(4) No proceeding under this section shall be commenced <sup>Limitation</sup> more than one year after the time when the subject-matter of the proceeding arose.

**21.**—(1) The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) designating centres for the purposes of clause *b* of section 1, and classifying such centres;
- (b) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;
- (c) governing the management, conduct, operation and use of centres;
- (d) governing and prescribing the accommodation, facilities, equipment and services in centres;
- (e) providing for the officers and staff of centres and their qualifications;
- (f) governing the establishment, location, and construction of centres and their alteration and renovation;
- (g) classifying children suffering from mental or emotional disorders and limiting the classes of children that may be admitted to any centre or class thereof;
- (h) prescribing the classes of grants by way of provincial aid to any centre or class thereof and the methods of determining the amounts of grants and providing for the manner and time of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (i) prescribing additional duties for the Licensing Board of Review;
- (j) prescribing the duties and qualifications of inspectors;
- (k) requiring persons operating centres to furnish such information and returns as are prescribed;
- (l) prescribing forms for the purposes of this Act and the regulations and providing for their use.

- Application** (2) The regulations may provide that any provision is limited in its application to any specified class of centres.
- Moneys** **22.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys that are appropriated therefor by the Legislature.
- Commence-  
ment** **23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **24.** This Act may be cited as *The Children's Mental Health Centres Act, 1968-69*.



An Act respecting Facilities for Children  
suffering from Mental or  
Emotional Disorders

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*1st Reading*

April 22nd, 1969

*Government  
Publications*

*2nd Reading*

May 14th, 1969

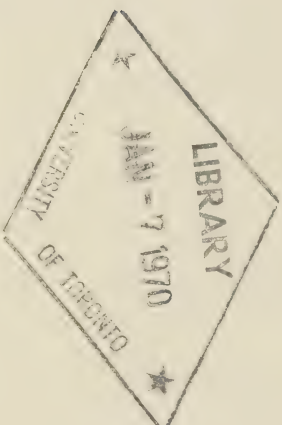
*3rd Reading*

December 17th, 1969

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MR. WELLS

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356

**BILL 139**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Air Pollution Control Act, 1967**

Mr. DYMOND

#### EXPLANATORY NOTES

SECTION 1. The administration of the Act is transferred.

SECTION 2. The amendment makes it an offence to obstruct a provincial officer making an inspection.

SECTION 3. The amendment makes it an offence to depart from the specifications approved by the Minister and provides that if construction does not proceed within one year, the approval expires.

SECTION 4. Regulations are authorized to provide for prior approval of proposed devices to control pollution from motor vehicles.

BILL 139

1968-69

## An Act to amend The Air Pollution Control Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *e* and *f* of section 1 of *The Air Pollution Control Act, 1967* are repealed and the following substituted therefor: 1967, c. 2, s. 1, cls. e, f, re-enacted

(*e*) "Department" means the Department of Energy and Resources Management;

(*f*) "Minister" means the Minister of Energy and Resources Management.

**2.** Section 5 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following subsection: 1967, c. 2, s. 5, amended

(4) No person shall obstruct a provincial officer in the exercise of his powers under this section. Obstructing provincial officer

**3.** Section 7 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following subsections: 1967, c. 2, s. 7, amended

(4) No person shall construct a stationary source of air pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued. Construction in accordance with approval

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time. Expiration of certificate of approval

**4.** Subsection 1 of section 14 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following clause: 1967, c. 2, s. 14, subs. 1, amended

(*ca*) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission into the outdoor atmosphere of air contaminant or contaminants.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Air Pollution Control Amendment Act, 1968-69*.







An Act to amend  
The Air Pollution Control Act, 1967

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*1st Reading*

April 22nd, 1969

*2nd Reading*

*3rd Reading*

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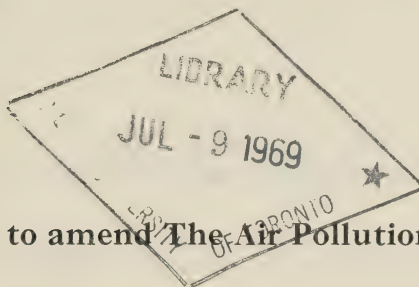
MR. DYMOND

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## BILL 139

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Air Pollution Control Act, 1967

MR. DYMOND



BILL 139

1968-69

## An Act to amend The Air Pollution Control Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *f* of section 1 of *The Air Pollution Control Act, 1967* are repealed and the following substituted therefor: 1967, c. 2, s. 1, cls. *e, f*, re-enacted

(*e*) "Department" means the Department of Energy and Resources Management;

(*f*) "Minister" means the Minister of Energy and Resources Management.

2. Section 5 of *The Air Pollution Control Act, 1967* is 1967, c. 2, s. 5, amended by adding thereto the following subsection: amended

(4) No person shall obstruct a provincial officer in the exercise of his powers under this section. Obstructing provincial officer

3. Section 7 of *The Air Pollution Control Act, 1967* is 1967, c. 2, s. 7, amended by adding thereto the following subsections: amended

(4) No person shall construct a stationary source of air pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued. Construction in accordance with approval

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time. Expiration of certificate of approval

4. Subsection 1 of section 14 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following clause: 1967, c. 2, s. 14, subs. 1, amended

(*ca*) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission into the outdoor atmosphere of air contaminant or contaminants.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Air Pollution Control Amendment Act, 1968-69*.







An Act to amend  
The Air Pollution Control Act, 1967

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*1st Reading*

April 22nd, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 18th, 1969

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MR. DYMOND

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

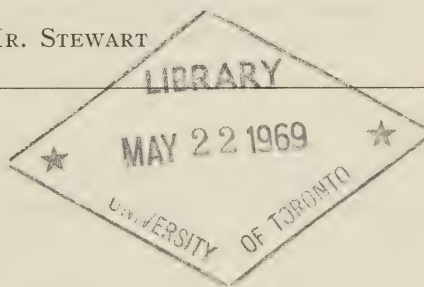
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**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

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MR. STEWART

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#### EXPLANATORY NOTES

Part I of the Bill provides for the taking of an opinion poll respecting the establishment of a General Farm Organization.

Part II of the Bill establishes the General Farm Organization to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects of the Organization and provides for the functioning thereof.

BILL 140

1968-69

**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

**W**HEREAS it is deemed desirable to provide for an opinion poll to be taken by secret ballot among the farmers in Ontario respecting the establishment of a General Farm Organization; and whereas it is deemed desirable to provide for the establishment of the General Farm Organization where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "association" means an association designated under *The Beef Cattle Marketing Act, 1968* or *The Farm Products Marketing Act*; 1968, c. 7  
R.S.O. 1960,  
c. 137
- (b) "commodity board" means,
  - (i) a local board established under *The Farm Products Marketing Act*, or
  - (ii) a marketing board established under *The Milk Act, 1965*; 1965, c. 72
- (c) "executive committee" means the executive committee of the Organization;
- (d) "farmer" means,
  - (i) a person, other than a body corporate, who is the owner, part owner or tenant of a farm in Ontario or who is a shareholder in a body corporate that is the owner, part owner or

tenant of a farm in Ontario and who is engaged on the farm in the production of agricultural products and, without limiting the generality of the foregoing, engaged in the production of live stock, live stock products, poultry, poultry products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, trees, vegetables, vegetable products or wood,

- (ii) his or her spouse, and
- (iii) any person related to him or her through blood relationship, marriage or adoption, of the age of twenty-one years or older and actively engaged in the operation of the farm of the person referred to in subclause i;
- (e) "local" means the group of members of the Organization residing in a local area established under this Act;
- (f) "Organization" means the General Farm Organization;
- (g) "Provincial Council" means the Provincial Council of the Organization;
- (h) "regulations" means the regulations made under this Act.

## PART I

Opinion  
poll

**2.—**(1) Upon receipt of a petition respecting the establishment of the Organization that, in the opinion of the Lieutenant Governor in Council is signed by not fewer than 15,000 farmers in Ontario, the Lieutenant Governor in Council shall provide for an opinion poll to be taken by secret ballot for the purpose of obtaining an expression of opinion from the farmers of Ontario respecting the establishment of the Organization.

Proclama-  
tion

(2) Where the opinion poll referred to in subsection 1 has been taken, sections 3 to 18 shall be proclaimed in force where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof.

R.S.O. 1960,  
c. 349 not  
to apply

(3) *The Regulations Act* does not apply to the opinion poll taken under this Part or any order made by the Lieutenant Governor in Council respecting such opinion poll.

## PART II

**3.**—(1) There is hereby established a body corporate to be known as the General Farm Organization which is hereby authorized to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects referred to in subsection 3.

General  
Farm  
Organiza-  
tion estab-  
lished

(2) Nothing in subsection 1 affects the rights, powers and duties of any association or commodity board.

Rights, etc.,  
not affected

(3) The purposes and objects of the Organization shall be as follows:

Purposes  
and objects  
of Organiza-  
tion

1. To conduct research of all kinds into all phases of agricultural activity including, without limiting the generality of the foregoing,

(a) research into the cost of supplies, material and equipment purchased by farmers for use in agriculture and the methods by which such supplies, material and equipment are manufactured, produced or marketed;

(b) research into the methods of production by farmers of agricultural products;

(c) research into the marketing of agricultural products produced by farmers including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;

(d) research into the importing of agricultural products into Ontario and the exporting of agricultural products from Ontario including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;

(e) research into any matter that may affect the income of farmers in Ontario whether arising directly from the production or marketing of agricultural products or otherwise.

2. To make representations on behalf of its members in particular and on behalf of farmers in general to any level of Government or any agency, board or commission established thereby.

3. To develop, perform and carry out programs for the benefit of farmers either by itself or by negotiations with any level of Government or any agency, board or commission established thereby or with any segment of industry and to develop processes for such negotiations.
4. To study, evaluate and make recommendations respecting policies and procedures of any level of Government or any agency, board or commission established thereby.
5. To co-operate with any society, association or body of persons having the same or similar purposes and objects.
6. To assist in the establishment of a single general farm organization in Canada.

Interim  
manage-  
ment com-  
mittee

4.—(1) The Lieutenant Governor in Council shall appoint not fewer than three persons who shall be the interim management committee of the Organization until the conclusion of the first annual convention of the Organization and who shall have all of the powers of a Provincial Council under section 9 but no by-law passed by it comes into force until confirmed by a majority of the delegates at the first annual convention, other than a by-law providing for,

- (a) the election of delegates to the first annual convention and of members of an interim Provincial Council;
- (b) the establishment of an interim Provincial Council and the election thereby of members of the executive committee;
- (c) the holding of the first annual convention and the election by the delegates thereto of members of the executive committee.

Idem

(2) The interim management committee may appoint from among its members a chairman and vice-chairman of the committee.

Members of  
Organiza-  
tion

5.—(1) Until and during the first annual convention of the Organization every farmer in Ontario is a member thereof.

Idem

(2) After the first annual convention of the Organization, the membership of the Organization shall consist of farmers who are in possession of a valid membership card issued by the Organization and the conditions upon which a membership card is issued shall be determined by the by-laws of the Organization.

**6.** There shall be established by by-law areas within the Province of Ontario to be known as "local areas" and the members of the Organization who reside in a local area constitute the local of the Organization for that local area. Establishment of local areas

**7.** There shall be established by by-law district areas composed of two or more local areas and district committees for the district areas and the by-laws of the Organization shall provide for the composition, powers and duties of the district committees. Establishment of district areas

**8.—(1)** There shall be a Provincial Council of the Organization, the membership of which shall be elected or appointed in the manner provided for by the by-laws of the Organization. Provincial Council

(2) No person who is elected or appointed by any person or body of persons to the Provincial Council is eligible to be elected or appointed for the same term by any other person or body of persons. Eligibility for election or appointment

(3) The Provincial Council may appoint, from among its members or otherwise, committees to inquire into and make recommendations to the Provincial Council on any matter relating to agriculture and food. Appointment of committees

**9.—(1)** The Provincial Council may pass by-laws, not inconsistent with this Act or the regulations, for governing the affairs of the Organization, and, without limiting the generality of the foregoing, may pass by-laws, Power to pass by-laws

- (a) providing for the issue of membership cards to members of the Organization and prescribing the terms and conditions upon which such cards shall be issued;
- (b) establishing local areas and providing for the governing of locals;
- (c) establishing district areas and district committees therein and prescribing the powers and duties of such committees;
- (d) providing for the election or appointment of its members and prescribing its powers and duties;
- (e) providing for the holding of annual conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;

- (f) providing for the holding of special conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (g) providing for the election, by the delegates at an annual convention, of a president, first vice-president and second vice-president of the Organization and prescribing their powers and duties;
- (h) providing for the establishment of an executive committee and for the election of the members thereof;
- (i) providing for the appointment of a secretary and a treasurer or a secretary-treasurer for the Organization and such other officers, servants and agents as it deems proper;
- (j) providing for the appointment of a public accountant for the purposes of section 13;
- (k) prescribing a quorum for meetings of the Provincial Council or the executive committee;
- (l) prescribing the qualifications of persons who are eligible to be elected to and remain a member of the Provincial Council or the executive committee;
- (m) providing for the appointment of persons to complete the term of office of any member of the Provincial Council or the executive committee who dies, resigns or is unable to act;
- (n) providing for the holding of meetings of the Provincial Council or the executive committee and prescribing the notices to be given for such meetings and the persons to whom such notices shall be sent;
- (o) prescribing the persons or classes of persons who shall be notified in writing of a convention;
- (p) requiring a commodity board to pay to the Organization such amounts of the licence fees and service charges collected by the board as the by-law requires;
- (q) delegating to the executive committee any of its powers and duties except in respect of the matters referred to in clauses *d, e, f, g, h, k, l, n, o* and *p*.

(2) A by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof, is effective only until the next annual convention, or a special convention held prior thereto to deal with the by-law, unless confirmed by a majority vote of the delegates thereto and, in default of such confirmation, ceases to have effect at and from that time, and, in that case, no new by-law of the same or like substance has any effect until confirmed at an annual convention by a majority vote of the delegates thereto.

Confirmation of  
by-laws

(3) The delegates may, at a convention mentioned in subsection 2, confirm, amend, reject or otherwise deal with any by-law passed by the Provincial Council and submitted to the convention for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.

Confirmation, rejection, etc., of  
by-laws

**10.—**(1) The Organization shall hold an annual convention at a time and place prescribed by its by-laws.

Annual  
convention

(2) The delegates and alternate delegates to an annual or a special convention shall be members of the Organization elected or appointed in the manner prescribed by the by-laws of the Organization.

Delegates  
and alternate  
delegates

(3) No person who is elected or appointed by any person or body of persons as a delegate to an annual or a special convention is eligible to be elected or appointed by any other person or body of persons as a delegate to that convention.

Eligibility  
for election  
or appointment

(4) No alternate delegate is entitled to vote at an annual or a special convention except in the place of a delegate who is absent or unable to act.

Entitlement  
to vote

(5) For the purposes only of the first annual convention of the Organization, each county, provisional county and territorial district constitutes a local area and the farmers in each such local area shall elect from among themselves for every one thousand farmers or part thereof in the local area three delegates to the convention, one of whom shall become a member of the interim Provincial Council in the manner provided by by-law.

Delegates  
to first  
annual  
convention

(6) For the purpose of determining the number of delegates from each local area under subsection 5, the number of farmers in the local area shall be the number of operators of census-farms in the county, provisional county or territorial district as shown in Table 14 of the 1966 Census of Canada-Agriculture - Ontario, published by the Dominion Bureau of Statistics (Canada).

Determination of  
numbers of  
delegates

Chairman,  
etc., of  
Provincial  
Council

**11.** The president, first vice-president and second vice-president of the Organization shall be *ex officio* members of the Provincial Council and, respectively, shall be chairman, vice-chairman and second vice-chairman thereof.

Annual  
report

**12.** At each annual convention of the Organization the Provincial Council shall present a full report of its proceedings and of the proceedings of the Organization and a statement of the receipts and expenditures for the previous year and of the assets and liabilities of the Organization prepared and certified by a public accountant licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 137

Notice of  
convention

**13.** The Provincial Council shall notify in writing such persons or classes of persons as the by-laws of the Organization prescribe of the time and place of a convention at least two months prior to the date thereof.

Power to  
hold land

**14.** The Organization has power to acquire by purchase, lease or otherwise and to hold any land or any interest therein necessary for its actual use or occupation or for carrying on its undertaking and, when no longer necessary therefor, to sell, alienate or convey it.

Amounts  
payable to  
Organization

**15.—(1)** Every association and commodity board shall pay to the Organization such amounts of the licence fees and service charges collected or received by it as the Organization by by-law requires.

Idem

(2) An association or a commodity board shall make a payment to the Organization under subsection 1 not later than the last day of the month next following the month in which the association or commodity board received the money from which the payment is to be made.

Rebate

(3) The Provincial Council may authorize the payment to an association of a rebate of any part of the moneys paid by the association to the Organization under subsection 1.

Confirma-  
tion of  
by-law

(4) Notwithstanding section 9, no by-law referred to in subsection 1 comes into force until confirmed by a majority vote of the delegates at an annual or a special convention of the Organization.

Fees,  
charges  
may exceed  
limit  
imposed

(5) Where an association or a commodity board fixes, imposes, collects or receives licence fees or service charges, such fees or charges may exceed any limits imposed by any other Act or any regulation thereunder by an amount not exceeding the amount that is required to provide for a payment to the Organization under subsection 1.

(6) An association or a commodity board is not required to pay to the Organization any portion of its licence fees or service charges in excess of an amount equal to two-tenths of a cent for every dollar of the total sale price of the product in respect of which the association or the commodity board fixed, imposed, collected or received licence fees or service charges. <sup>Limit on amount payable</sup>

(7) Every association and commodity board shall notify every producer who pays licence fees or service charges to it of the *pro rata* amount of such licence fees or service charges attributable to the payments made by the association or commodity board to the Organization. <sup>Notice to producers</sup>

(8) The notice referred to in subsection 7 shall be given at least once in every year, <sup>Idem</sup>

- (a) by notice in writing mailed to the producer at his last known place of address; or
- (b) by publication thereof in a newspaper, magazine or other periodical having general circulation among the producers who pay the licence fees or service charges.

**16.**—(1) An opinion poll by secret ballot, for the purpose of obtaining an expression of opinion from the farmers in Ontario respecting the matters referred to in subsection 2, <sup>Opinion poll</sup>

- (a) may be provided for by the Lieutenant Governor in Council at any time; and
- (b) shall be provided for by the Lieutenant Governor in Council upon receipt of a petition requesting the opinion poll that, in the opinion of the Lieutenant Governor in Council, is signed by not fewer than 15,000 farmers in Ontario.

(2) The matters respecting which an opinion poll by secret ballot may be provided for are, <sup>Idem</sup>

- (a) the dissolution of the Organization;
- (b) the by-laws, powers and duties of the Organization; and
- (c) the powers and duties of any constituent part of the Organization or of the members, officers, directors, servants or agents of the Organization.

Exception	(3) Clause <i>b</i> of subsection 1 does not apply where the petition is received within two years of the receipt of any previous petition submitted under the said clause <i>b</i> or under subsection 1 of section 2.
Revocation of by-law, etc.	(4) Where an opinion poll by secret ballot has been taken under this Act, the Lieutenant Governor in Council, <ul style="list-style-type: none"> <li>(a) may revoke any by-law of the Organization whether made before or after the opinion poll was taken where, in his opinion, at least sixty per cent of the farmers who voted in the opinion poll are in favour of revoking such by-law;</li> <li>(b) where, in his opinion, at least sixty per cent of the farmers who voted in the opinion poll are in favour of the dissolution of the Organization, may, notwithstanding any other Act, make regulations providing for,             <ul style="list-style-type: none"> <li>(i) the carrying out by a trustee of any or all of the powers of the Organization,</li> <li>(ii) the vesting of the assets of the Organization in a trustee, and</li> <li>(iii) the disposing of any or all of the assets of the Organization in such manner as is prescribed.</li> </ul> </li> </ul>
R.S.O. 1960, c. 349 not to apply	<b>17.</b> <i>The Regulations Act</i> does not apply to any by-law passed under this Part, to any opinion poll taken under section 16 or to any order of the Lieutenant Governor in Council respecting such opinion poll.
Members deemed to be directors, etc.	<b>18.</b> In the exercise of the powers of the Organization under this or any other Act, the members of the Provincial Council shall be deemed to be the directors, and the delegates to a convention the shareholders thereof.
Commencement	<b>19.</b> —(1) This Act, except sections 3 to 18, comes into force on the day it receives Royal Assent.
Idem	(2) Sections 3 to 18 come into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>20.</b> This Act may be cited as <i>The General Farm Organization Act (Ontario)</i> , 1968-69.







An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot  
of the Farmers in Ontario, of a General  
Farm Organization

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*1st Reading*

April 28th, 1969

*2nd Reading*

*3rd Reading*

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MR. STEWART

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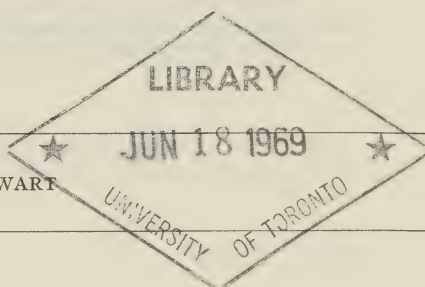
## BILL 140

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization

MR. STEWART



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

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#### EXPLANATORY NOTES

Part I of the Bill provides for the taking of an opinion poll respecting the establishment of a General Farm Organization.

Part II of the Bill establishes the General Farm Organization to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects of the Organization and provides for the functioning thereof.

## BILL 140

1968-69

**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

**W**HEREAS it is deemed desirable to provide for an opinion poll to be taken by secret ballot among the farmers in Ontario respecting the establishment of a General Farm Organization; and whereas it is deemed desirable to provide for the establishment of the General Farm Organization where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "association" means an association designated under *The Beef Cattle Marketing Act, 1968* or *The Farm Products Marketing Act*; 1968, c. 7  
R.S.O. 1960,  
c. 137
- (b) "commodity board" means,
  - (i) a local board established under *The Farm Products Marketing Act*, or
  - (ii) a marketing board established under *The Milk Act, 1965*; 1965, c. 72
- (c) "executive committee" means the executive committee of the Organization;
- (d) "farmer" means,
  - (i) a person, other than a body corporate, who is the owner, part owner or tenant of a farm in Ontario or who is a shareholder in a body corporate that is the owner, part owner or

tenant of a farm in Ontario and who is engaged on the farm in the production of agricultural products and, without limiting the generality of the foregoing, engaged in the production of live stock, live stock products, poultry, poultry products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, trees, vegetables, vegetable products or wood,

- (ii) his or her spouse, and
- (iii) any person related to him or her through blood relationship, marriage or adoption, of the age of twenty-one years or older and actively engaged in the operation of the farm of the person referred to in subclause i;
- (e) "local" means the group of members of the Organization residing in a local area established under this Act;
- (f) "Organization" means the General Farm Organization;
- (g) "Provincial Council" means the Provincial Council of the Organization;
- (h) "regulations" means the regulations made under this Act.

## PART I

Opinion  
poll

**2.—**(1) Upon receipt of a petition respecting the establishment of the Organization that, in the opinion of the Lieutenant Governor in Council is signed by not fewer than 15,000 farmers in Ontario, the Lieutenant Governor in Council shall provide for an opinion poll to be taken by secret ballot for the purpose of obtaining an expression of opinion from the farmers of Ontario respecting the establishment of the Organization.

Proclama-  
tion

(2) Where the opinion poll referred to in subsection 1 has been taken, sections 3 to 18 shall be proclaimed in force where, in the opinion of the Lieutenant Governor in Council, at least 60 per cent of the farmers voting in the opinion poll are in favour thereof.

R.S.O. 1960,  
c. 349 not  
to apply

(3) *The Regulations Act* does not apply to the opinion poll taken under this Part or any order made by the Lieutenant Governor in Council respecting such opinion poll.

## PART II

3.—(1) There is hereby established a body corporate to be known as the General Farm Organization which is hereby authorized to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects referred to in subsection 3.

General  
Farm  
Organiza-  
tion estab-  
lished

(2) Nothing in subsection 1 affects the rights, powers and duties of any association or commodity board.

Rights, etc.,  
not affected

(3) In the exercise of the powers conferred by section 6 of *The Farm Products Marketing Act* or section 7 of *The Milk Act, 1965*, as the case may be, the Lieutenant Governor in Council may constitute the Organization as the commodity board to administer a plan where,

Organiza-  
tion may be  
constituted  
a commu-  
nity board  
R.S.O. 1960,  
c. 137  
1965, c. 72

(a) a plebiscite is held,

(i) upon the question of favour of the plan, of the producers affected by the proposed plan, or

(ii) upon the question of favour of amendment of the plan, of the producers of the regulated product in respect of which the plan is in force;

(b) the plebiscite includes a question respecting the proposal to constitute the Organization as the commodity board to administer the plan; and

(c) in the opinion of the Lieutenant Governor in Council, at least 66⅔ per cent of the producers voting in the plebiscite are in favour of constituting the Organization as the commodity board.

(4) The purposes and objects of the Organization shall be as follows:

Purposes  
and objects  
of Organiza-  
tion

1. To conduct research of all kinds into all phases of agricultural activity including, without limiting the generality of the foregoing,

(a) research into the cost of supplies, material and equipment purchased by farmers for use in agriculture and the methods by which such supplies, material and equipment are manufactured, produced or marketed;

(b) research into the methods of production by farmers of agricultural products;

- (c) research into the marketing of agricultural products produced by farmers including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
  - (d) research into the importing of agricultural products into Ontario and the exporting of agricultural products from Ontario including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
  - (e) research into any matter that may affect the income of farmers in Ontario whether arising directly from the production or marketing of agricultural products or otherwise.
2. To make representations on behalf of its members in particular and on behalf of farmers in general to any level of Government or any agency, board or commission established thereby.
  3. To develop, perform and carry out programs for the benefit of farmers either by itself or by negotiations with any level of Government or any agency, board or commission established thereby or with any segment of industry and to develop processes for such negotiations.
  4. To study, evaluate and make recommendations respecting policies and procedures of any level of Government or any agency, board or commission established thereby.
  5. To co-operate with any society, association or body of persons having the same or similar purposes and objects.
  6. To assist in the establishment of a single general farm organization in Canada.

Interim  
manage-  
ment com-  
mittee

4.—(1) The Lieutenant Governor in Council shall appoint not fewer than three persons and not more than five who shall be the interim management committee of the Organization until the conclusion of the first annual convention of the Organization and who shall have all of the powers of a Provincial Council under section 9 but no by-law passed by it comes into force until confirmed by a majority of the delegates at the first annual convention, other than a by-law providing for,

- (a) the election of delegates to the first annual convention and of members of an interim Provincial Council;
- (b) the establishment of an interim Provincial Council and the election thereby of members of the executive committee;
- (c) the holding of the first annual convention and the election by the delegates thereto of members of the executive committee.

(2) The interim management committee may appoint <sup>Idem</sup> from among its members a chairman and vice-chairman of the committee.

**5.**—(1) Until and during the first annual convention of the Organization every farmer in Ontario is a member thereof. <sup>Members of Organization</sup>

(2) After the first annual convention of the Organization, <sup>Idem</sup> the membership of the Organization shall consist of farmers who are in possession of a valid membership card issued by the Organization and the conditions upon which a membership card is issued shall be determined by the by-laws of the Organization.

**6.** There shall be established by by-law areas within the Province of Ontario to be known as “local areas” and the <sup>Establishment of local areas</sup> members of the Organization who reside in a local area constitute the local of the Organization for that local area.

**7.** There shall be established by by-law district areas <sup>Establishment of district areas</sup> composed of two or more local areas and district committees for the district areas and the by-laws of the Organization shall provide for the composition, powers and duties of the district committees.

**8.**—(1) There shall be a Provincial Council of the Organization, <sup>Provincial Council</sup> the membership of which shall be elected or appointed in the manner provided for by the by-laws of the Organization.

(2) No person who is elected or appointed by any person <sup>Eligibility for election or appointment</sup> or body of persons to the Provincial Council is eligible to be elected or appointed for the same term by any other person or body of persons.

(3) The Provincial Council may appoint, from among its <sup>Appointment of committees</sup> members or otherwise, committees to inquire into and make recommendations to the Provincial Council on any matter relating to agriculture and food.

Power to  
pass by-laws

9.—(1) The Provincial Council may pass by-laws, not inconsistent with this Act or the regulations, for governing the affairs of the Organization, and, without limiting the generality of the foregoing, may pass by-laws,

- (a) providing for the issue of membership cards to members of the Organization and prescribing the terms and conditions upon which such cards shall be issued;
- (b) establishing local areas and providing for the governing of locals;
- (c) establishing district areas and district committees therein and prescribing the powers and duties of such committees;
- (d) providing for the election or appointment of its members and prescribing its powers and duties;
- (e) providing for the holding of annual conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (f) providing for the holding of special conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (g) providing for the election, by the delegates at an annual convention, of a president, first vice-president and second vice-president of the Organization and prescribing their powers and duties;
- (h) providing for the establishment of an executive committee and for the election of the members thereof;
- (i) providing for the appointment of a secretary and a treasurer or a secretary-treasurer for the Organization and such other officers, servants and agents as it deems proper;
- (j) providing for the appointment of a public accountant for the purposes of section 12;
- (k) prescribing a quorum for meetings of the Provincial Council or the executive committee;
- (l) prescribing the qualifications of persons who are eligible to be elected to and remain a member of the Provincial Council or the executive committee;

- (*m*) providing for the appointment of persons to complete the term of office of any member of the Provincial Council or the executive committee who dies, resigns or is unable to act;
- (*n*) providing for the holding of meetings of the Provincial Council or the executive committee and prescribing the notices to be given for such meetings and the persons to whom such notices shall be sent;
- (*o*) prescribing the persons or classes of persons who shall be notified in writing of a convention;
- (*p*) requiring a commodity board to pay to the Organization such amounts of the licence fees and service charges collected by the board as the by-law requires;
- (*q*) delegating to the executive committee any of its powers and duties except in respect of the matters referred to in clauses *d*, *e*, *f*, *g*, *h*, *k*, *l*, *n*, *o* and *p*.

(2) A by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof, is effective only until the next annual convention, or a special convention held prior thereto to deal with the by-law, unless confirmed by a majority vote of the delegates thereto and, in default of such confirmation, ceases to have effect at and from that time, and, in that case, no new by-law of the same or like substance has any effect until confirmed at an annual convention by a majority vote of the delegates thereto.

(3) The delegates may, at a convention mentioned in subsection 2, confirm, amend, reject or otherwise deal with any by-law passed by the Provincial Council and submitted to the convention for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.

**10.—**(1) The Organization shall hold an annual convention at a time and place prescribed by its by-laws.

(2) The delegates and alternate delegates to an annual or a special convention shall be members of the Organization elected or appointed in the manner prescribed by the by-laws of the Organization.

(3) No person who is elected or appointed by any person or body of persons as a delegate to an annual or a special convention is eligible to be elected or appointed by any other person or body of persons as a delegate to that convention.

- Entitlement to vote (4) No alternate delegate is entitled to vote at an annual or a special convention except in the place of a delegate who is absent or unable to act.
- Delegates to first annual convention (5) For the purposes only of the first annual convention of the Organization, each county, provisional county and territorial district constitutes a local area and the farmers in each such local area shall elect from among themselves three delegates for the first 1,500 farmers or part thereof in the local area and an additional three delegates for each 1,000 farmers or part thereof in excess of 1,500 farmers in the local area, and one of every three such delegates shall become a member of the interim Provincial Council in the manner provided by by-law.
- Determination of numbers of delegates (6) For the purpose of determining the number of delegates from each local area under subsection 5, the number of farmers in the local area shall be the number of operators of census-farms in the county, provisional county or territorial district as shown in Table 14 of the 1966 Census of Canada-Agriculture - Ontario, published by the Dominion Bureau of Statistics (Canada).
- Regional Area deemed to be county (7) The Regional Area of The Regional Municipality of Ottawa-Carleton shall be deemed to be a county for the purposes of this section.
- Idem (8) Where a county is hereafter dissolved and becomes part of the regional area of a regional municipality, such county shall be deemed to remain a county for the purposes of this section.
- Chairman, etc., of Provincial Council **11.** The president, first vice-president and second vice-president of the Organization shall be *ex officio* members of the Provincial Council and, respectively, shall be chairman, vice-chairman and second vice-chairman thereof.
- Annual report **12.** At each annual convention of the Organization the Provincial Council shall present a full report of its proceedings and of the proceedings of the Organization and a statement of the receipts and expenditures for the previous year and of the assets and liabilities of the Organization prepared and certified by a public accountant licensed under *The Public Accountancy Act*.
- R.S.O. 1960, c. 137 **13.** The Provincial Council shall notify in writing such persons or classes of persons as the by-laws of the Organization prescribe of the time and place of a convention at least two months prior to the date thereof.
- Notice of convention

14. The Organization has power to acquire by purchase, <sup>Power to hold land</sup> lease or otherwise and to hold any land or any interest therein necessary for its actual use or occupation or for carrying on its undertaking and, when no longer necessary therefor, to sell, alienate or convey it.

15.—(1) Every association and commodity board shall pay <sup>Amounts payable to Organization</sup> to the Organization such amounts of the licence fees and service charges collected or received by it as the Organization by by-law requires.

(2) An association or a commodity board shall make a <sup>Idem</sup> payment to the Organization under subsection 1 not later than the last day of the month next following the month in which the association or commodity board received the money from which the payment is to be made.

(3) The Provincial Council may authorize the payment to <sup>Rebate</sup> an association of a rebate of any part of the moneys paid by the association to the Organization under subsection 1.

(4) Notwithstanding section 9, no by-law referred to in <sup>Confirmation of by-law</sup> subsection 1 comes into force until confirmed by a majority vote of the delegates at an annual or a special convention of the Organization.

(5) Where an association or a commodity board fixes, <sup>Fees, charges</sup> imposes, collects or receives licence fees or service charges, <sup>may exceed limit imposed</sup> such fees or charges may exceed any limits imposed by any other Act or any regulation thereunder by an amount not exceeding the amount that is required to provide for a payment to the Organization under subsection 1.

(6) An association or a commodity board is not required <sup>Limit on amount payable</sup> to pay to the Organization any portion of its licence fees or service charges in excess of an amount equal to two-tenths of a cent for every dollar of the total sale price of the product in respect of which the association or the commodity board fixed, imposed, collected or received licence fees or service charges.

(7) Every association and commodity board shall notify <sup>Notice to producers</sup> every producer who pays licence fees or service charges to it of the *pro rata* amount of such licence fees or service charges attributable to the payments made by the association or commodity board to the Organization.

(8) The notice referred to in subsection 7 shall be given <sup>Idem</sup> at least once in every year,

(a) by notice in writing mailed to the producer at his last known place of address; or

- (b) by publication thereof in a newspaper, magazine or other periodical having general circulation among the producers who pay the licence fees or service charges.

Opinion  
poll

**16.**—(1) An opinion poll by secret ballot, for the purpose of obtaining an expression of opinion from the farmers in Ontario respecting the matters referred to in subsection 2,

- (a) may be provided for by the Lieutenant Governor in Council at any time; and



- (b) shall be provided for by the Lieutenant Governor in Council upon receipt of a petition requesting the opinion poll where, in the opinion of the Lieutenant Governor in Council, the number of farmers signing the petition is not less than fifteen one-hundredths of the number of farms in Ontario as shown in the most recent census conducted under the *Statistics Act* (Canada).

1952-53,  
c. 18 (Can.)

Idem

(2) The matters respecting which an opinion poll by secret ballot may be provided for are,

- (a) the dissolution of the Organization;
- (b) the by-laws, powers and duties of the Organization; and
- (c) the powers and duties of any constituent part of the Organization or of the members, officers, directors, servants or agents of the Organization.

Exception

(3) Clause *b* of subsection 1 does not apply where the petition is received within two years of the receipt of any previous petition submitted under the said clause *b* or under subsection 1 of section 2.

Revocation  
of by-law,  
etc.

(4) Where an opinion poll by secret ballot has been taken under this Act, the Lieutenant Governor in Council,

- (a) may revoke any by-law of the Organization whether made before or after the opinion poll was taken where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of revoking such by-law;
- (b) where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of the dissolution of the Organization, may, notwithstanding any other Act, make regulations providing for,

- (i) the carrying out by a trustee of any or all of the powers of the Organization,
- (ii) the vesting of the assets of the Organization in a trustee, and
- (iii) the disposing of any or all of the assets of the Organization in such manner as is prescribed.

**17.** *The Regulations Act* does not apply to any by-law <sup>R.S.O. 1960,</sup> passed under this Part, to any opinion poll taken under <sup>C. 349 not</sup> to apply section 16 or to any order of the Lieutenant Governor in Council respecting such opinion poll.

**18.** In the exercise of the powers of the Organization under this or any other Act, the members of the Provincial Council shall be deemed to be the directors, and the delegates <sup>Members deemed to be directors, etc.</sup> to a convention the shareholders thereof.

**19.**—(1) This Act, except sections 3 to 18, comes into <sup>Commence-</sup> force on the day it receives Royal Assent.

(2) Sections 3 to 18 come into force on a day to be named <sup>Idem</sup> by the Lieutenant Governor by his proclamation.

**20.** This Act may be cited as *The General Farm Organiza-* <sup>Short title</sup> *tion Act (Ontario), 1968-69.*





An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot  
of the Farmers in Ontario, of a General  
Farm Organization

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*1st Reading*

April 28th, 1969

*2nd Reading*

May 8th, 1969

*3rd Reading*

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MR. STEWART

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*(Reprinted as amended by  
the Committee of the Whole House)*

**BILL 140**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**



*(Reprinted as amended by the Agriculture and Food Committee)*

#### EXPLANATORY NOTES

Part I of the Bill provides for the taking of an opinion poll respecting the establishment of a General Farm Organization.

Part II of the Bill establishes the General Farm Organization to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects of the Organization and provides for the functioning thereof.

## BILL 140

1968-69

**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

**W**HEREAS it is deemed desirable to provide for an opinion poll to be taken by secret ballot among the farmers in Ontario respecting the establishment of a General Farm Organization; and whereas it is deemed desirable to provide for the establishment of the General Farm Organization where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "association" means an association designated under *The Beef Cattle Marketing Act, 1968* or *The Farm Products Marketing Act*; 1968, c. 7  
R.S.O. 1960,  
c. 137
- (b) "commodity board" means,
  - (i) a local board established under *The Farm Products Marketing Act*, or
  - (ii) a marketing board established under *The Milk Act, 1965*; 1965, c. 72
- (c) "executive committee" means the executive committee of the Organization;
- (d) "farmer" means,
  - (i) a person, other than a body corporate, who is the owner, part owner or tenant of a farm in Ontario or who is a shareholder in a body corporate that is the owner, part owner or

tenant of a farm in Ontario and who is engaged on the farm in the production of agricultural products and, without limiting the generality of the foregoing, engaged in the production of live stock, live stock products, poultry, poultry products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, trees, vegetables, vegetable products or wood,

(ii) his or her spouse, and

(iii) any person related to him or her through blood relationship, marriage or adoption, of the age of twenty-one years or older and actively engaged in the operation of the farm of the person referred to in subclause i;

(e) "local" means the group of members of the Organization residing in a local area established under this Act;

(f) "Organization" means the General Farm Organization;

(g) "Provincial Council" means the Provincial Council of the Organization;

(h) "regulations" means the regulations made under this Act.

## PART I

Opinion  
poll

**2.**—(1) Upon receipt of a petition respecting the establishment of the Organization that, in the opinion of the Lieutenant Governor in Council is signed by not fewer than 15,000 farmers in Ontario, the Lieutenant Governor in Council shall provide for an opinion poll to be taken by secret ballot for the purpose of obtaining an expression of opinion from the farmers of Ontario respecting the establishment of the Organization.

Proclama-  
tion

(2) Where the opinion poll referred to in subsection 1 has been taken, sections 3 to 18 shall be proclaimed in force where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof.

R.S.O. 1960,  
c. 349 not  
to apply

(3) *The Regulations Act* does not apply to the opinion poll taken under this Part or any order made by the Lieutenant Governor in Council respecting such opinion poll.

## PART II

**3.—**(1) There is hereby established a body corporate to be known as the General Farm Organization which is hereby authorized to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects referred to in subsection 3.

(2) Nothing in subsection 1 affects the rights, powers and duties of any association or commodity board.

(3) The purposes and objects of the Organization shall be as follows:

1. To conduct research of all kinds into all phases of agricultural activity including, without limiting the generality of the foregoing,

- (a) research into the cost of supplies, material and equipment purchased by farmers for use in agriculture and the methods by which such supplies, material and equipment are manufactured, produced or marketed;
- (b) research into the methods of production by farmers of agricultural products;
- (c) research into the marketing of agricultural products produced by farmers including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
- (d) research into the importing of agricultural products into Ontario and the exporting of agricultural products from Ontario including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
- (e) research into any matter that may affect the income of farmers in Ontario whether arising directly from the production or marketing of agricultural products or otherwise.

2. To make representations on behalf of its members in particular and on behalf of farmers in general to any level of Government or any agency, board or commission established thereby.

3. To develop, perform and carry out programs for the benefit of farmers either by itself or by negotiations with any level of Government or any agency, board or commission established thereby or with any segment of industry and to develop processes for such negotiations.
4. To study, evaluate and make recommendations respecting policies and procedures of any level of Government or any agency, board or commission established thereby.
5. To co-operate with any society, association or body of persons having the same or similar purposes and objects.
6. To assist in the establishment of a single general farm organization in Canada.

Interim  
manage-  
ment com-  
mittee

4.—(1) The Lieutenant Governor in Council shall appoint not fewer than three persons (and not more than 5) who shall be the interim management committee of the Organization until the conclusion of the first annual convention of the Organization and who shall have all of the powers of a Provincial Council under section 9 but no by-law passed by it comes into force until confirmed by a majority of the delegates at the first annual convention, other than a by-law providing for,

- (a) the election of delegates to the first annual convention and of members of an interim Provincial Council;
- (b) the establishment of an interim Provincial Council and the election thereby of members of the executive committee;
- (c) the holding of the first annual convention and the election by the delegates thereto of members of the executive committee.

Idem

(2) The interim management committee may appoint from among its members a chairman and vice-chairman of the committee.

Members of  
Organiza-  
tion

5.—(1) Until and during the first annual convention of the Organization every farmer in Ontario is a member thereof.

Idem

(2) After the first annual convention of the Organization, the membership of the Organization shall consist of farmers who are in possession of a valid membership card issued by the Organization and the conditions upon which a membership card is issued shall be determined by the by-laws of the Organization.

**6.** There shall be established by by-law areas within the Province of Ontario to be known as "local areas" and the members of the Organization who reside in a local area constitute the local of the Organization for that local area. <sup>Establishment of local areas</sup>

**7.** There shall be established by by-law district areas composed of two or more local areas and district committees for the district areas and the by-laws of the Organization shall provide for the composition, powers and duties of the district committees. <sup>Establishment of district areas</sup>

**8.—(1)** There shall be a Provincial Council of the Organization, the membership of which shall be elected or appointed in the manner provided for by the by-laws of the Organization. <sup>Provincial Council</sup>

(2) No person who is elected or appointed by any person or body of persons to the Provincial Council is eligible to be elected or appointed for the same term by any other person or body of persons. <sup>Eligibility for election or appointment</sup>

(3) The Provincial Council may appoint, from among its members or otherwise, committees to inquire into and make recommendations to the Provincial Council on any matter relating to agriculture and food. <sup>Appointment of committees</sup>

**9.—(1)** The Provincial Council may pass by-laws, not inconsistent with this Act or the regulations, for governing the affairs of the Organization, and, without limiting the generality of the foregoing, may pass by-laws, <sup>Power to pass by-laws</sup>

- (a) providing for the issue of membership cards to members of the Organization and prescribing the terms and conditions upon which such cards shall be issued;
- (b) establishing local areas and providing for the governing of locals;
- (c) establishing district areas and district committees therein and prescribing the powers and duties of such committees;
- (d) providing for the election or appointment of its members and prescribing its powers and duties;
- (e) providing for the holding of annual conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;

- (f) providing for the holding of special conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (g) providing for the election, by the delegates at an annual convention, of a president, first vice-president and second vice-president of the Organization and prescribing their powers and duties;
- (h) providing for the establishment of an executive committee and for the election of the members thereof;
- (i) providing for the appointment of a secretary and a treasurer or a secretary-treasurer for the Organization and such other officers, servants and agents as it deems proper;
- (j) providing for the appointment of a public accountant for the purposes of section 12;
- (k) prescribing a quorum for meetings of the Provincial Council or the executive committee;
- (l) prescribing the qualifications of persons who are eligible to be elected to and remain a member of the Provincial Council or the executive committee;
- (m) providing for the appointment of persons to complete the term of office of any member of the Provincial Council or the executive committee who dies, resigns or is unable to act;
- (n) providing for the holding of meetings of the Provincial Council or the executive committee and prescribing the notices to be given for such meetings and the persons to whom such notices shall be sent;
- (o) prescribing the persons or classes of persons who shall be notified in writing of a convention;
- (p) requiring a commodity board to pay to the Organization such amounts of the licence fees and service charges collected by the board as the by-law requires;
- (q) delegating to the executive committee any of its powers and duties except in respect of the matters referred to in clauses *d*, *e*, *f*, *g*, *h*, *k*, *l*, *n*, *o* and *p*.

(2) A by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof, is effective only until the next annual convention, or a special convention held prior thereto to deal with the by-law, unless confirmed by a majority vote of the delegates thereto and, in default of such confirmation, ceases to have effect at and from that time, and, in that case, no new by-law of the same or like substance has any effect until confirmed at an annual convention by a majority vote of the delegates thereto.

Confirmation of by-laws

(3) The delegates may, at a convention mentioned in subsection 2, confirm, amend, reject or otherwise deal with any by-law passed by the Provincial Council and submitted to the convention for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.

Confirmation, rejection, etc., of by-laws

**10.**—(1) The Organization shall hold an annual convention at a time and place prescribed by its by-laws.

Annual convention

(2) The delegates and alternate delegates to an annual or a special convention shall be members of the Organization elected or appointed in the manner prescribed by the by-laws of the Organization.

Delegates and alternate delegates

(3) No person who is elected or appointed by any person or body of persons as a delegate to an annual or a special convention is eligible to be elected or appointed by any other person or body of persons as a delegate to that convention.

Eligibility for election or appointment

(4) No alternate delegate is entitled to vote at an annual or a special convention except in the place of a delegate who is absent or unable to act.

Entitlement to vote

(5) For the purposes only of the first annual convention of the Organization, each county, provisional county and territorial district constitutes a local area and the farmers in each such local area shall elect from among themselves three delegates for the first 1,500 farmers or part thereof in the local area and an additional three delegates for each 1,000 farmers or part thereof in excess of 1,500 farmers in the local area, and one of every three such delegates shall become a member of the interim Provincial Council in the manner provided by by-law.

Delegates to first annual convention

(6) For the purpose of determining the number of delegates from each local area under subsection 5, the number of farmers in the local area shall be the number of operators of census-farms in the county, provisional county or territorial district as shown in Table 14 of the 1966 Census of Canada-Agriculture - Ontario, published by the Dominion Bureau of Statistics (Canada).

Determination of numbers of delegates

Chairman,  
etc., of  
Provincial  
Council

**11.** The president, first vice-president and second vice-president of the Organization shall be *ex officio* members of the Provincial Council and, respectively, shall be chairman, vice-chairman and second vice-chairman thereof.

Annual  
report

**12.** At each annual convention of the Organization the Provincial Council shall present a full report of its proceedings and of the proceedings of the Organization and a statement of the receipts and expenditures for the previous year and of the assets and liabilities of the Organization prepared and certified by a public accountant licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 137

Notice of  
convention

**13.** The Provincial Council shall notify in writing such persons or classes of persons as the by-laws of the Organization prescribe of the time and place of a convention at least two months prior to the date thereof.

Power to  
hold land

**14.** The Organization has power to acquire by purchase, lease or otherwise and to hold any land or any interest therein necessary for its actual use or occupation or for carrying on its undertaking and, when no longer necessary therefor, to sell, alienate or convey it.

Amounts  
payable to  
Organiza-  
tion

**15.—(1)** Every association and commodity board shall pay to the Organization such amounts of the licence fees and service charges collected or received by it as the Organization by by-law requires.

Idem

(2) An association or a commodity board shall make a payment to the Organization under subsection 1 not later than the last day of the month next following the month in which the association or commodity board received the money from which the payment is to be made.

Rebate

(3) The Provincial Council may authorize the payment to an association of a rebate of any part of the moneys paid by the association to the Organization under subsection 1.

Confirma-  
tion of  
by-law

(4) Notwithstanding section 9, no by-law referred to in subsection 1 comes into force until confirmed by a majority vote of the delegates at an annual or a special convention of the Organization.

Fees,  
charges  
may exceed  
limit  
imposed

(5) Where an association or a commodity board fixes, imposes, collects or receives licence fees or service charges, such fees or charges may exceed any limits imposed by any other Act or any regulation thereunder by an amount not exceeding the amount that is required to provide for a payment to the Organization under subsection 1.

(6) An association or a commodity board is not required to pay to the Organization any portion of its licence fees or service charges in excess of an amount equal to two-tenths of a cent for every dollar of the total sale price of the product in respect of which the association or the commodity board fixed, imposed, collected or received licence fees or service charges. <sup>Limit on amount payable</sup>

(7) Every association and commodity board shall notify every producer who pays licence fees or service charges to it of the *pro rata* amount of such licence fees or service charges attributable to the payments made by the association or commodity board to the Organization. <sup>Notice to producers</sup>

(8) The notice referred to in subsection 7 shall be given at least once in every year, <sup>Idem</sup>

- (a) by notice in writing mailed to the producer at his last known place of address; or
- (b) by publication thereof in a newspaper, magazine or other periodical having general circulation among the producers who pay the licence fees or service charges.

**16.—**(1) An opinion poll by secret ballot, for the purpose of obtaining an expression of opinion from the farmers in Ontario respecting the matters referred to in subsection 2, <sup>Opinion poll</sup>

- (a) may be provided for by the Lieutenant Governor in Council at any time; and
- (b) shall be provided for by the Lieutenant Governor in Council upon receipt of a petition requesting the opinion poll that, in the opinion of the Lieutenant Governor in Council, is signed by not fewer than 15,000 farmers in Ontario.

(2) The matters respecting which an opinion poll by secret ballot may be provided for are, <sup>Idem</sup>

- (a) the dissolution of the Organization;
- (b) the by-laws, powers and duties of the Organization; and
- (c) the powers and duties of any constituent part of the Organization or of the members, officers, directors, servants or agents of the Organization.

**Exception** (3) Clause *b* of subsection 1 does not apply where the petition is received within two years of the receipt of any previous petition submitted under the said clause *b* or under subsection 1 of section 2.

**Revocation of by-law, etc.** (4) Where an opinion poll by secret ballot has been taken under this Act, the Lieutenant Governor in Council,

(a) may revoke any by-law of the Organization whether made before or after the opinion poll was taken where, in his opinion, at least sixty per cent of the farmers who voted in the opinion poll are in favour of revoking such by-law;

(b) where, in his opinion, at least sixty per cent of the farmers who voted in the opinion poll are in favour of the dissolution of the Organization, may, notwithstanding any other Act, make regulations providing for,

(i) the carrying out by a trustee of any or all of the powers of the Organization,

(ii) the vesting of the assets of the Organization in a trustee, and

(iii) the disposing of any or all of the assets of the Organization in such manner as is prescribed.

R.S.O. 1960,  
c. 349 not  
to apply

**17.** *The Regulations Act* does not apply to any by-law passed under this Part, to any opinion poll taken under section 16 or to any order of the Lieutenant Governor in Council respecting such opinion poll.

Members  
deemed  
to be  
directors,  
etc.

**18.** In the exercise of the powers of the Organization under this or any other Act, the members of the Provincial Council shall be deemed to be the directors, and the delegates to a convention the shareholders thereof.

Commence-  
ment

**19.—**(1) This Act, except sections 3 to 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3 to 18 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The General Farm Organization Act (Ontario), 1968-69*.







An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot  
of the Farmers in Ontario, of a General  
Farm Organization

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*1st Reading*

April 28th, 1969

*2nd Reading*

May 8th, 1969

*3rd Reading*

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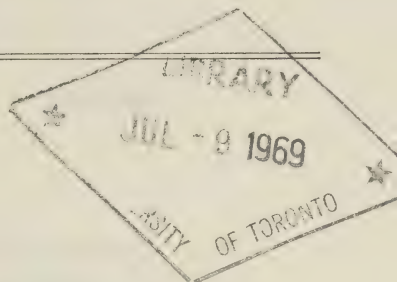
MR. STEWART

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(Reprinted as amended by  
the Agriculture and Food Committee)

## BILL 140

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



**An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot of  
the Farmers in Ontario, of a General Farm  
Organization**

**W**HEREAS it is deemed desirable to provide for an opinion poll to be taken by secret ballot among the farmers in Ontario respecting the establishment of a General Farm Organization; and whereas it is deemed desirable to provide for the establishment of the General Farm Organization where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "association" means an association designated under *The Beef Cattle Marketing Act, 1968* or *The Farm Products Marketing Act*; 1968, c. 7  
R.S.O. 1960,  
c. 137
- (b) "commodity board" means,
  - (i) a local board established under *The Farm Products Marketing Act*, or
  - (ii) a marketing board established under *The Milk Act, 1965*; 1965, c. 72
- (c) "executive committee" means the executive committee of the Organization;
- (d) "farmer" means,
  - (i) a person, other than a body corporate, who is the owner, part owner or tenant of a farm in Ontario or who is a shareholder in a body corporate that is the owner, part owner or

tenant of a farm in Ontario and who is engaged on the farm in the production of agricultural products and, without limiting the generality of the foregoing, engaged in the production of live stock, live stock products, poultry, poultry products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, trees, vegetables, vegetable products or wood,

- (ii) his or her spouse, and
- (iii) any person related to him or her through blood relationship, marriage or adoption, of the age of twenty-one years or older and actively engaged in the operation of the farm of the person referred to in subclause i;
- (e) "local" means the group of members of the Organization residing in a local area established under this Act;
- (f) "Organization" means the General Farm Organization;
- (g) "Provincial Council" means the Provincial Council of the Organization;
- (h) "regulations" means the regulations made under this Act.

## PART I

Opinion  
poll

**2.—**(1) Upon receipt of a petition respecting the establishment of the Organization that, in the opinion of the Lieutenant Governor in Council is signed by not fewer than 15,000 farmers in Ontario, the Lieutenant Governor in Council shall provide for an opinion poll to be taken by secret ballot for the purpose of obtaining an expression of opinion from the farmers of Ontario respecting the establishment of the Organization.

Proclama-  
tion

(2) Where the opinion poll referred to in subsection 1 has been taken, sections 3 to 18 shall be proclaimed in force where, in the opinion of the Lieutenant Governor in Council, at least 60 per cent of the farmers voting in the opinion poll are in favour thereof.

R.S.O. 1960,  
c. 349 not  
to apply

(3) *The Regulations Act* does not apply to the opinion poll taken under this Part or any order made by the Lieutenant Governor in Council respecting such opinion poll.

## PART II

3.—(1) There is hereby established a body corporate to be known as the General Farm Organization which is hereby authorized to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects referred to in subsection 3.

(2) Nothing in subsection 1 affects the rights, powers and duties of any association or commodity board.

(3) In the exercise of the powers conferred by section 6 of *The Farm Products Marketing Act* or section 7 of *The Milk Act, 1965*, as the case may be, the Lieutenant Governor in Council may constitute the Organization as the commodity board to administer a plan where,

(a) a plebiscite is held,

- (i) upon the question of favour of the plan, of the producers affected by the proposed plan, or
- (ii) upon the question of favour of amendment of the plan, of the producers of the regulated product in respect of which the plan is in force;

(b) the plebiscite includes a question respecting the proposal to constitute the Organization as the commodity board to administer the plan; and

(c) in the opinion of the Lieutenant Governor in Council, at least  $66\frac{2}{3}$  per cent of the producers voting in the plebiscite are in favour of constituting the Organization as the commodity board.

(4) The purposes and objects of the Organization shall be as follows:

1. To conduct research of all kinds into all phases of agricultural activity including, without limiting the generality of the foregoing,

- (a) research into the cost of supplies, material and equipment purchased by farmers for use in agriculture and the methods by which such supplies, material and equipment are manufactured, produced or marketed;
- (b) research into the methods of production by farmers of agricultural products;

- (c) research into the marketing of agricultural products produced by farmers including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
  - (d) research into the importing of agricultural products into Ontario and the exporting of agricultural products from Ontario including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;
  - (e) research into any matter that may affect the income of farmers in Ontario whether arising directly from the production or marketing of agricultural products or otherwise.
2. To make representations on behalf of its members in particular and on behalf of farmers in general to any level of Government or any agency, board or commission established thereby.
  3. To develop, perform and carry out programs for the benefit of farmers either by itself or by negotiations with any level of Government or any agency, board or commission established thereby or with any segment of industry and to develop processes for such negotiations.
  4. To study, evaluate and make recommendations respecting policies and procedures of any level of Government or any agency, board or commission established thereby.
  5. To co-operate with any society, association or body of persons having the same or similar purposes and objects.
  6. To assist in the establishment of a single general farm organization in Canada.

Interim  
manage-  
ment com-  
mittee

4.—(1) The Lieutenant Governor in Council shall appoint not fewer than three persons and not more than five who shall be the interim management committee of the Organization until the conclusion of the first annual convention of the Organization and who shall have all of the powers of a Provincial Council under section 9 but no by-law passed by it comes into force until confirmed by a majority of the delegates at the first annual convention, other than a by-law providing for,

- (a) the election of delegates to the first annual convention and of members of an interim Provincial Council;
- (b) the establishment of an interim Provincial Council and the election thereby of members of the executive committee;
- (c) the holding of the first annual convention and the election by the delegates thereto of members of the executive committee.

(2) The interim management committee may appoint <sup>Idem</sup> from among its members a chairman and vice-chairman of the committee.

**5.**—(1) Until and during the first annual convention of the Organization every farmer in Ontario is a member thereof. <sup>Members of Organization</sup>

(2) After the first annual convention of the Organization, <sup>Idem</sup> the membership of the Organization shall consist of farmers who are in possession of a valid membership card issued by the Organization and the conditions upon which a membership card is issued shall be determined by the by-laws of the Organization.

**6.** There shall be established by by-law areas within the Province of Ontario to be known as "local areas" and the <sup>Establishment of local areas</sup> members of the Organization who reside in a local area constitute the local of the Organization for that local area.

**7.** There shall be established by by-law district areas <sup>Establishment of district areas</sup> composed of two or more local areas and district committees for the district areas and the by-laws of the Organization shall provide for the composition, powers and duties of the district committees.

**8.**—(1) There shall be a Provincial Council of the Organization, <sup>Provincial Council</sup> the membership of which shall be elected or appointed in the manner provided for by the by-laws of the Organization.

(2) No person who is elected or appointed by any person <sup>Eligibility for election or appointment</sup> or body of persons to the Provincial Council is eligible to be elected or appointed for the same term by any other person or body of persons.

(3) The Provincial Council may appoint, from among its <sup>Appointment of committees</sup> members or otherwise, committees to inquire into and make recommendations to the Provincial Council on any matter relating to agriculture and food.

Power to  
pass by-laws

9.—(1) The Provincial Council may pass by-laws, not inconsistent with this Act or the regulations, for governing the affairs of the Organization, and, without limiting the generality of the foregoing, may pass by-laws,

- (a) providing for the issue of membership cards to members of the Organization and prescribing the terms and conditions upon which such cards shall be issued;
- (b) establishing local areas and providing for the governing of locals;
- (c) establishing district areas and district committees therein and prescribing the powers and duties of such committees;
- (d) providing for the election or appointment of its members and prescribing its powers and duties;
- (e) providing for the holding of annual conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (f) providing for the holding of special conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;
- (g) providing for the election, by the delegates at an annual convention, of a president, first vice-president and second vice-president of the Organization and prescribing their powers and duties;
- (h) providing for the establishment of an executive committee and for the election of the members thereof;
- (i) providing for the appointment of a secretary and a treasurer or a secretary-treasurer for the Organization and such other officers, servants and agents as it deems proper;
- (j) providing for the appointment of a public accountant for the purposes of section 12;
- (k) prescribing a quorum for meetings of the Provincial Council or the executive committee;
- (l) prescribing the qualifications of persons who are eligible to be elected to and remain a member of the Provincial Council or the executive committee;

- (m) providing for the appointment of persons to complete the term of office of any member of the Provincial Council or the executive committee who dies, resigns or is unable to act;
- (n) providing for the holding of meetings of the Provincial Council or the executive committee and prescribing the notices to be given for such meetings and the persons to whom such notices shall be sent;
- (o) prescribing the persons or classes of persons who shall be notified in writing of a convention;
- (p) requiring a commodity board to pay to the Organization such amounts of the licence fees and service charges collected by the board as the by-law requires;
- (q) delegating to the executive committee any of its powers and duties except in respect of the matters referred to in clauses *d, e, f, g, h, k, l, n, o* and *p*.

(2) A by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof, is effective only until the next annual convention, or a special convention held prior thereto to deal with the by-law, unless confirmed by a majority vote of the delegates thereto and, in default of such confirmation, ceases to have effect at and from that time, and, in that case, no new by-law of the same or like substance has any effect until confirmed at an annual convention by a majority vote of the delegates thereto.

(3) The delegates may, at a convention mentioned in subsection 2, confirm, amend, reject or otherwise deal with any by-law passed by the Provincial Council and submitted to the convention for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.

**10.—**(1) The Organization shall hold an annual convention at a time and place prescribed by its by-laws.

(2) The delegates and alternate delegates to an annual or a special convention shall be members of the Organization elected or appointed in the manner prescribed by the by-laws of the Organization.

(3) No person who is elected or appointed by any person or body of persons as a delegate to an annual or a special convention is eligible to be elected or appointed by any other person or body of persons as a delegate to that convention.

Entitlement  
to vote

(4) No alternate delegate is entitled to vote at an annual or a special convention except in the place of a delegate who is absent or unable to act.

Delegates  
to first  
annual  
convention

(5) For the purposes only of the first annual convention of the Organization, each county, provisional county and territorial district constitutes a local area and the farmers in each such local area shall elect from among themselves three delegates for the first 1,500 farmers or part thereof in the local area and an additional three delegates for each 1,000 farmers or part thereof in excess of 1,500 farmers in the local area, and one of every three such delegates shall become a member of the interim Provincial Council in the manner provided by by-law.

Determina-  
tion of  
numbers of  
delegates

(6) For the purpose of determining the number of delegates from each local area under subsection 5, the number of farmers in the local area shall be the number of operators of census-farms in the county, provisional county or territorial district as shown in Table 14 of the 1966 Census of Canada-Agriculture - Ontario, published by the Dominion Bureau of Statistics (Canada).

Regional  
Area  
deemed  
to be  
county

(7) The Regional Area of The Regional Municipality of Ottawa-Carleton shall be deemed to be a county for the purposes of this section.

Idem

(8) Where a county is hereafter dissolved and becomes part of the regional area of a regional municipality, such county shall be deemed to remain a county for the purposes of this section.

Chairman,  
etc., of  
Provincial  
Council

**11.** The president, first vice-president and second vice-president of the Organization shall be *ex officio* members of the Provincial Council and, respectively, shall be chairman, vice-chairman and second vice-chairman thereof.

Annual  
report

**12.** At each annual convention of the Organization the Provincial Council shall present a full report of its proceedings and of the proceedings of the Organization and a statement of the receipts and expenditures for the previous year and of the assets and liabilities of the Organization prepared and certified by a public accountant licensed under *The Public Accountancy Act*.

R.S.O. 1960,  
c. 137

Notice of  
convention

**13.** The Provincial Council shall notify in writing such persons or classes of persons as the by-laws of the Organization prescribe of the time and place of a convention at least two months prior to the date thereof.

14. The Organization has power to acquire by purchase, <sup>Power to hold land</sup> lease or otherwise and to hold any land or any interest therein necessary for its actual use or occupation or for carrying on its undertaking and, when no longer necessary therefor, to sell, alienate or convey it.

15.—(1) Every association and commodity board shall pay <sup>Amounts payable to Organization</sup> to the Organization such amounts of the licence fees and service charges collected or received by it as the Organization by by-law requires.

(2) An association or a commodity board shall make a <sup>Idem</sup> payment to the Organization under subsection 1 not later than the last day of the month next following the month in which the association or commodity board received the money from which the payment is to be made.

(3) The Provincial Council may authorize the payment to <sup>Rebate</sup> an association of a rebate of any part of the moneys paid by the association to the Organization under subsection 1.

(4) Notwithstanding section 9, no by-law referred to in <sup>Confirmation of by-law</sup> subsection 1 comes into force until confirmed by a majority vote of the delegates at an annual or a special convention of the Organization.

(5) Where an association or a commodity board fixes, <sup>Fees, charges, may exceed limit imposed</sup> imposes, collects or receives licence fees or service charges, such fees or charges may exceed any limits imposed by any other Act or any regulation thereunder by an amount not exceeding the amount that is required to provide for a payment to the Organization under subsection 1.

(6) An association or a commodity board is not required <sup>Limit on amount payable</sup> to pay to the Organization any portion of its licence fees or service charges in excess of an amount equal to two-tenths of a cent for every dollar of the total sale price of the product in respect of which the association or the commodity board fixed, imposed, collected or received licence fees or service charges.

(7) Every association and commodity board shall notify <sup>Notice to producers</sup> every producer who pays licence fees or service charges to it of the *pro rata* amount of such licence fees or service charges attributable to the payments made by the association or commodity board to the Organization.

(8) The notice referred to in subsection 7 shall be given <sup>Idem</sup> at least once in every year,

(a) by notice in writing mailed to the producer at his last known place of address; or

- (b) by publication thereof in a newspaper, magazine or other periodical having general circulation among the producers who pay the licence fees or service charges.

Opinion  
poll

**16.**—(1) An opinion poll by secret ballot, for the purpose of obtaining an expression of opinion from the farmers in Ontario respecting the matters referred to in subsection 2,

- (a) may be provided for by the Lieutenant Governor in Council at any time; and
- (b) shall be provided for by the Lieutenant Governor in Council upon receipt of a petition requesting the opinion poll where, in the opinion of the Lieutenant Governor in Council, the number of farmers signing the petition is not less than fifteen one-hundredths of the number of farms in Ontario as shown in the most recent census conducted under the *Statistics Act* (Canada).

1952-53,  
c. 18 (Can.)

Idem

(2) The matters respecting which an opinion poll by secret ballot may be provided for are,

- (a) the dissolution of the Organization;
- (b) the by-laws, powers and duties of the Organization; and
- (c) the powers and duties of any constituent part of the Organization or of the members, officers, directors, servants or agents of the Organization.

Exception

(3) Clause *b* of subsection 1 does not apply where the petition is received within two years of the receipt of any previous petition submitted under the said clause *b* or under subsection 1 of section 2.

Revocation  
of by-law,  
etc.

(4) Where an opinion poll by secret ballot has been taken under this Act, the Lieutenant Governor in Council,

- (a) may revoke any by-law of the Organization whether made before or after the opinion poll was taken where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of revoking such by-law;
- (b) where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of the dissolution of the Organization, may, notwithstanding any other Act, make regulations providing for,

- (i) the carrying out by a trustee of any or all of the powers of the Organization,
- (ii) the vesting of the assets of the Organization in a trustee, and
- (iii) the disposing of any or all of the assets of the Organization in such manner as is prescribed.

**17.** *The Regulations Act* does not apply to any by-law passed under this Part, to any opinion poll taken under section 16 or to any order of the Lieutenant Governor in Council respecting such opinion poll. R.S.O. 1960, c. 349 not to apply

**18.** In the exercise of the powers of the Organization under this or any other Act, the members of the Provincial Council shall be deemed to be the directors, and the delegates to a convention the shareholders thereof. Members deemed to be directors, etc.

**19.—**(1) This Act, except sections 3 to 18, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 18 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**20.** This Act may be cited as *The General Farm Organization Act (Ontario)*, 1968-69. Short title





An Act to provide for the Establishment,  
upon an Opinion Poll by Secret Ballot  
of the Farmers in Ontario, of a General  
Farm Organization

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*1st Reading*

April 28th, 1969

*2nd Reading*

May 8th, 1969

*3rd Reading*

June 6th, 1969

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MR. STEWART

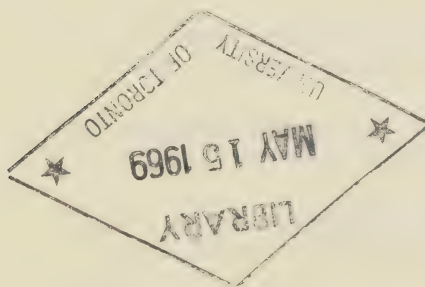
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## BILL 141

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Cancer Act

MR. DYMOND



EXPLANATORY NOTE

The amendment adds to the Institute one member representing the New Mount Sinai Hospital.

## An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act*, as amended by section 1 of *The Cancer Amendment Act, 1961-62* and section 1 of *The Cancer Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 45, s. 17,  
subs. 1,  
re-enacted

- (1) The Institute shall consist of fifteen persons ap- Members  
pointed by the Lieutenant Governor in Council,  
namely,
- (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
  - (b) three persons representing The Governors of the University of Toronto;
  - (c) one person representing the Board of Trustees of the Toronto General Hospital;
  - (d) one person representing the Board of Trustees of The Hospital for Sick Children;
  - (e) one person representing the governing body of St. Michael's Hospital;
  - (f) one person representing the Board of Governors of The Toronto Western Hospital;
  - (g) one person representing the Board of Governors of the Women's College Hospital;
  - (h) one person representing the Board of Governors of the Toronto Wellesley Hospital;

(i) one person representing the Board of Governors of New Mount Sinai Hospital,

who shall hold office during pleasure.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Cancer Amendment Act, 1968-69*.







An Act to amend The Cancer Act

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*1st Reading*

April 29th, 1969

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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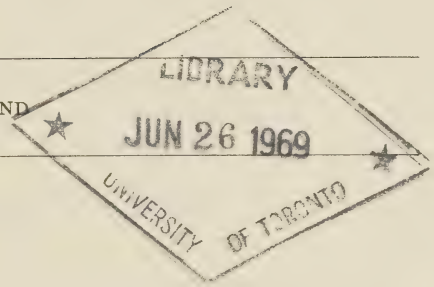
Government  
Publication

BILL 141

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Cancer Act

MR. DYMOND





## An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act*, as amended by section 1 of *The Cancer Amendment Act, 1961-62* and section 1 of *The Cancer Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 45, s. 17,  
subs. 1,  
re-enacted

- (1) The Institute shall consist of fifteen persons appointed by the Lieutenant Governor in Council, <sup>Members</sup> namely,
- (a) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;
  - (b) three persons representing The Governors of the University of Toronto;
  - (c) one person representing the Board of Trustees of the Toronto General Hospital;
  - (d) one person representing the Board of Trustees of The Hospital for Sick Children;
  - (e) one person representing the governing body of St. Michael's Hospital;
  - (f) one person representing the Board of Governors of The Toronto Western Hospital;
  - (g) one person representing the Board of Governors of the Women's College Hospital;
  - (h) one person representing the Board of Governors of the Toronto Wellesley Hospital;

(i) one person representing the Board of Governors of New Mount Sinai Hospital,

who shall hold office during pleasure.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Cancer Amendment Act, 1968-69*.







An Act to amend The Cancer Act

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*1st Reading*

April 29th, 1969

*2nd Reading*

May 16th, 1969

*3rd Reading*

June 6th, 1969

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MR. DYMOND

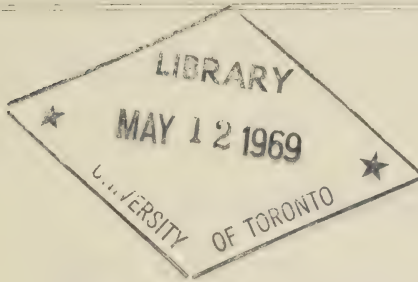
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**BILL 142**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Time Act**

MR. JESSIMAN

#### EXPLANATORY NOTE

The Bill provides daylight saving time throughout Ontario and authorizes the councils of local municipalities to provide for the observance of standard time instead of daylight saving time.

BILL 142

1968-69

## An Act to amend The Time Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Time Act* is amended by adding at the commencement thereof "Subject to section 3", so that the section shall read as follows: R.S.O. 1960, c. 400, s. 1, amended

1. Subject to section 3, where an expression of time occurs in any Act, proclamation, regulation, order in council, rule, order, by-law, agreement, deed or other instrument, heretofore or hereafter enacted, made or executed, or where any hour or other point in time is stated either orally or in writing, or any question as to time arises, the time referred to or intended shall, unless it is otherwise specifically stated, be held to be time reckoned as standard time. Meaning of expressions of time

2. *The Time Act* is amended by adding thereto the following section: R.S.O. 1960, c. 400, amended

- 3.—(1) During the months of May, June, July, August, September and October time shall be reckoned as one hour in advance of standard time and shall be known as daylight saving time. Daylight saving time in Ontario
- (2) The council of any local municipality may by by-law provide that during such months the time to be observed in the municipality shall be standard time and not daylight saving time as provided in subsection 1. By-laws declaring daylight saving time not in effect

3. This Act comes into force on the 1st day of January, 1970. Commencement

4. This Act may be cited as *The Time Amendment Act*, 1968-69. Short title

An Act to amend The Time Act

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*1st Reading*

April 29th, 1969

*2nd Reading*

*3rd Reading*

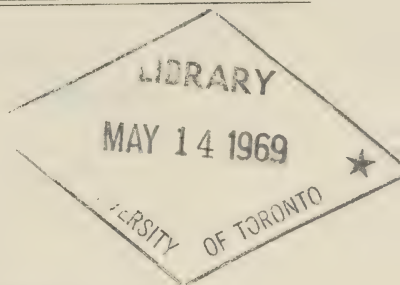
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MR. JESSIMAN

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**BILL 143**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**The Ambulance Act, 1968-69**

MR. DYMOND

#### EXPLANATORY NOTES

The Bill is a revision of *The Ambulance Services Act, 1966* with the following principal changes:

1. The administration is transferred to the Ontario Hospital Services Commission.
2. The Commission is given greater control over and participation in the establishment and location of ambulance services and the costs and standards.
3. Licensing procedures are revised and amplified.

BILL 143

1968-69

## The Ambulance Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "ambulance" means a vehicle used or intended to be used in an ambulance service for the conveyance of persons requiring medical attention or under medical care;
- (b) "ambulance service" means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;
- (c) "Commission" means the Ontario Hospital Services Commission;
- (d) "Director" means the Director of Emergency Health Services;
- (e) "Minister" means the Minister of Health;
- (f) "municipality" includes a metropolitan or regional municipality but does not include an area municipality thereof;
- (g) "operator" means a person or corporation that owns or provides an ambulance service and "operate" has a corresponding meaning;
- (h) "regulations" means the regulations made under this Act;
- (i) "resident" means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months.

Administra-  
tion of Act

**2.** The Commission is responsible for the administration and enforcement of this Act.

Municipal  
ambulance  
service

**3.—(1)** Subject to section 6, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service.

Agreements

**(2)** The Commission and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service.

Functions  
of Com-  
mission

**4.—(1)** It is the function of the Commission and it has power,

- (a)* to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;
- (b)* to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;
- (c)* to establish, maintain and operate, alone or in co-operation with others, ambulance services, intercommunication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;
- (d)* to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;
- (e)* to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Commission under this Act;
- (f)* to determine the amounts to be paid by the Commission and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;
- (g)* to establish regions and districts for the purposes of ambulance services and the communications facilities therefor.

Applica-  
tion of  
R.S.O. 1960,  
c. 349

**(2)** *The Regulations Act* does not apply to anything done by the Commission under subsection 1.

**5.** No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Commission.

Commission to approve applications for incorporation

**6.** No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Operator's licence

**7.** The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence.

Temporary licence

- 8.** The Director may refuse to issue a licence,
- Grounds for refusal to issue
- (a) where the proposed operation would be in contravention of this Act or the regulations;
  - (b) where there is no public need for the ambulance service in the area where the applicant proposes to operate;
  - (c) where the applicant is not financially responsible;
  - (d) where the granting of the licence would be against the public interest.

**9.** The Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened the Act or the regulations or is in breach of a condition of his licence.

Grounds for revocation, etc.

**10.—(1)** Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Commission, and the applicant or licensee may, by written notice given to the Director and the Commission within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Commission.

Notice of refusal to issue or revocation

**(2)** The Commission shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Hearing by Commission

Contents  
of notice

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues;
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

## Parties

**11.—**(1) The Director, the applicant or licensee and any other person specified by the Commission are parties to the hearing.

Failure  
to attend

(2) If a person who has been duly notified of a hearing does not attend, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjourn-  
ment

**12.—**(1) A hearing may be adjourned from time to time by the Commission on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

## Subpoenas

(2) The Commission may command the attendance before it of any person as a witness.

## Oaths

- (3) The Commission may require any person,
  - (a) to give evidence on oath at a hearing; and
  - (b) to produce such documents and things as the Commission requires.

## Idem

(4) The Commission may admit evidence not given under oath.

## Offences

- (5) Any person who, without lawful excuse,
  - (a) on being duly summoned as a witness before the Commission, makes default in attending; or

- (b) being in attendance as a witness before the Commission, refuses to take an oath legally required by the Commission to be taken, or to produce any document or thing in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or
- (c) does any other thing that would, if the Commission had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

(6) The Commission may certify an offence under sub-section 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

**12.**—(1) Any party may be represented before the Commission by counsel or agent.

Enforcement

Right of party to counsel

(2) Any witness may be represented before the Commission by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Right of witness to counsel

(3) Any party who is present at a hearing before the Commission may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Rights of parties at hearing

**13.** Upon a review, the Commission shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Commission, forms the record.

Evidence

**14.**—(1) The Commission may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director.

Powers of Commission

(2) The decision of the Commission, including the reasons therefor, shall be in writing.

Decision to be in writing

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

(4) The Commission shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 15.

Review by  
Minister

**15.**—(1) Upon the request of any party to the hearing before the Commission, made within fifteen days after being served with a decision under subsection 4 of section 14, the Minister shall review the record and the decision of the Commission and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final.

Reasons

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Commission.

Service of  
notices

**16.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Appoint-  
ment of  
inspectors

**17.**—(1) The Commission may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Powers of  
inspectors

(2) An inspector may enter the premises or vehicles of an operator at any time during daylight hours and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the vehicles, supplies and equipment for the purpose of determining their compliance with the regulations.

Notice of  
change in  
corporate  
manage-  
ment

**18.** Where a licensee is a corporation, the licensee shall notify the Director within five days of any change in the officers or directors of the corporation.

**19.** Every licence, except a temporary licence, expires one year after it is issued. Expiration of licences

**20.**—(1) Where a municipality is liable to a hospital for the payment of the charges for treatment of an indigent person or dependant of an indigent person under section 18 of *The Public Hospitals Act*, the municipality is also liable to the hospital for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Payment of ambulance services for indigents R.S.O. 1960, c. 322

(2) Where a municipality is not liable to a hospital for the payment of the charges for treatment of an indigent person or a dependant of an indigent person under section 18 of *The Public Hospitals Act*, the Commission is responsible for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Idem

**21.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations, Regulations

- (a) prescribing the standards of vehicles and equipment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such vehicles and equipment as are specified in the regulations;
- (b) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;
- (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Commission;
- (d) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;
- (e) providing for the issuing of licences and prescribing terms and conditions of licences;
- (f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

- (g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance.
- Limited application (2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing.
- Penalty **22.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- Idem (2) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Disposition of fines (3) Any fines recovered for offences against this Act shall be paid over to the Commission.
- Commission not vicariously liable **23.** The Commission shall not be held to be vicariously liable for the acts or omissions of operators or their employees.
- Limitation period **24.** No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained.
- 1966, c. 7, repealed **25.** *The Ambulance Services Act, 1966* is repealed.
- Commencement **26.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **27.** This Act may be cited as *The Ambulance Act, 1968-69*.



The Ambulance Act, 1968-69

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*1st Reading*

May 1st, 1969

*2nd Reading*

*3rd Reading*

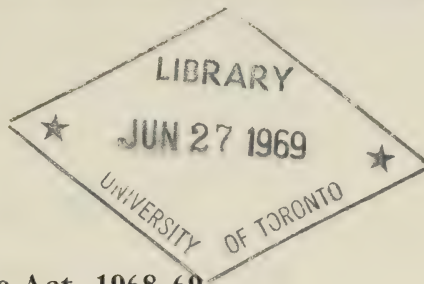
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MR. DYMOND

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## BILL 143

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**The Ambulance Act, 1968-69**

MR. DYMOND

*(Reprinted as amended by the Committee on Health)*

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

The Bill is a revision of *The Ambulance Services Act, 1966* with the following principal changes:

1. The administration is transferred to the Ontario Hospital Services Commission.
2. The Commission is given greater control over and participation in the establishment and location of ambulance services and the costs and standards.
3. Licensing procedures are revised and amplified.

### The Ambulance Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "ambulance" means a conveyance used or intended to be used in an ambulance service for the transportation of persons requiring medical attention or under medical care;
- (b) "ambulance service" means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;
- (c) "Commission" means the Ontario Hospital Services Commission;
- (d) "Director" means the Director of Emergency Health Services;
- (e) "Minister" means the Minister of Health;
- (f) "municipality" includes a metropolitan or regional municipality but does not include an area municipality thereof;
- (g) "operator" means a person or corporation that owns or provides an ambulance service and "operate" has a corresponding meaning;
- (h) "regulations" means the regulations made under this Act;
- (i) "resident" means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months.

Administra-  
tion of Act

**2.** The Commission is responsible for the administration and enforcement of this Act.

Municipal  
ambulance  
service

**3.—(1)** Subject to section 6, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service.

Agreements

**(2)** The Commission and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service.

Functions  
of Com-  
mission

**4.—(1)** It is the function of the Commission and it has power,

- (a) to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;
- (b) to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;
- (c) to establish, maintain and operate, alone or in co-operation with others, ambulance services, intercommunication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;
- (d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;
- (e) to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Commission under this Act;
- (f) to determine the amounts to be paid by the Commission and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;
- (g) to establish regions and districts for the purposes of ambulance services and the communications facilities therefor.

Applica-  
tion of  
R.S.O. 1960,  
c. 349

**(2)** *The Regulations Act* does not apply to anything done by the Commission under subsection 1.

5. No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Commission.

Commission to approve applications for incorporation

6. No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Operator's licence

7. The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence.

Temporary licence

8. The Director may refuse to issue a licence,

Grounds for refusal to issue

- (a) where the proposed operation would be in contravention of this Act or the regulations;
- (b) where there is no public need for the ambulance service in the area where the applicant proposes to operate;
- (c) where the applicant is not financially responsible;
- (d) where the granting of the licence would be against the public interest.

9. The Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened the Act or the regulations or is in breach of a condition of his licence.

Grounds for refusal to issue, etc.

10.—(1) Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Commission, and the applicant or licensee may, by written notice given to the Director and the Commission within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Commission.

Notice of refusal to issue or revocation

(2) The Commission shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Hearing by Commission

Contents  
of notice

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Commission under subsection 1;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues;
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

## Parties

**11.—**(1) The Director, the applicant or licensee and any other person specified by the Commission are parties to the hearing.

Failure  
to attend

(2) If a person who has been duly notified of a hearing does not attend, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjourn-  
ment

**12.—**(1) A hearing may be adjourned from time to time by the Commission on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

## Subpoenas

(2) The Commission may command the attendance before it of any person as a witness.

## Oaths

(3) The Commission may require any person,

- (a) to give evidence on oath or by affirmation at a hearing; and
- (b) to produce such documents and things as the Commission requires.

## Idem

(4) The Commission may admit evidence not given under oath.

## Offences

(5) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Commission, makes default in attending; or

- (b) being in attendance as a witness before the Commission, refuses to take an oath or affirmation legally required by the Commission to be taken, or to produce any document or thing in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or
- (c) does any other thing that would, if the Commission had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

(6) The Commission may certify an offence under sub-<sup>Enforcement</sup> section 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

**13.**—(1) Any party may be represented before the Com-<sup>Right of</sup> mission by counsel or agent. <sup>party to</sup>  
<sup>counsel</sup>

(2) Any witness may be represented before the Commission <sup>Right of</sup> by counsel or agent, but at the hearing the counsel or agent <sup>witness to</sup> may only advise the witness and state objections under the <sup>counsel</sup> provisions of the relevant law.

(3) Any party who is present at a hearing before the Com-<sup>Rights of</sup> mission may call and examine his witnesses, cross-examine <sup>parties at</sup> opposing witnesses and present his arguments and submissions. <sup>hearing</sup>

**14.** Upon a review, the Commission shall hear such <sup>Evidence</sup> evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Commission, forms the record.

**15.**—(1) The Commission may, after the hearing, confirm <sup>Powers of</sup> or alter the decision of the Director or direct the Director <sup>Commission</sup> to do any act the Director is authorized to do under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director.

(2) The decision of the Commission, including the reasons <sup>Decision</sup> therefor, shall be in writing. <sup>to be in</sup>  
<sup>writing</sup>

Contents of  
reasons for  
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of  
decision

(4) The Commission shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 16.

Review by  
Minister

**16.**—(1) Upon the request of any party to the hearing before the Commission, made within fifteen days after being served with a decision under subsection 4 of section 15, the Minister shall review the record and the decision of the Commission and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law.

Reasons

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Commission within thirty days after he receives the request for the review.

Appeal on  
point of law

(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to a judge of the Court of Appeal.

Service of  
notices

**17.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Appoint-  
ment of  
inspectors

**18.**—(1) The Commission may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Powers of  
inspectors

(2) An inspector may enter the premises or conveyances of an operator at any time during daylight hours and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations.

**19.** Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation. Notice of change in corporate management

**20.** Every licence, except a temporary licence, expires one year after it is issued. Expiration of licences

**21.—**(1) Where a municipality is liable to a hospital for the payment of the charges for treatment of an indigent person or dependant of an indigent person under section 18 of *The Public Hospitals Act*, the municipality is also liable to the hospital for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Payment of ambulance services for indigents R.S.O. 1960, c. 322

(2) Where a municipality is not liable to a hospital for the payment of the charges for treatment of an indigent person or a dependant of an indigent person under section 18 of *The Public Hospitals Act*, the Commission is responsible for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Idem

**22.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations, Regulations

- (a) prescribing the standards of conveyances and equipment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such conveyances and equipment as are specified in the regulations;
- (b) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;
- (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Commission;
- (d) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;
- (e) providing for the issuing of licences and prescribing terms and conditions of licences;
- (f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

- (g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance.
- Limited application (2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing.
- Penalty **23.**—(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.
- Penalty (3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Limitation (4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.
- Commission not vicariously liable **24.** The Commission shall not be held to be vicariously liable for the acts or omissions of operators or their employees.
- Limitation period **25.** No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained.
- 1966, c. 7, repealed **26.** *The Ambulance Services Act, 1966* is repealed.
- Commencement **27.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **28.** This Act may be cited as *The Ambulance Act, 1968-69*.



The Ambulance Act, 1968-69

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*1st Reading*

May 1st, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

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MR. DYMOND

*(Reprinted as amended by  
the Committee on Health)*

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

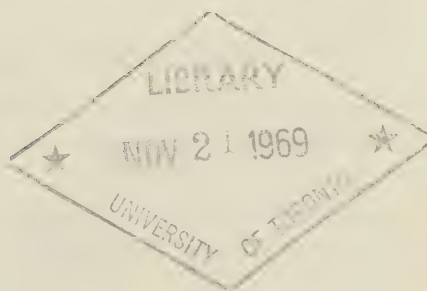
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**The Ambulance Act, 1968-69**

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MR. WELLS

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BILL 143

1968-69

**The Ambulance Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "ambulance" means a conveyance used or intended to be used in an ambulance service for the transportation of persons requiring medical attention or under medical care;
- (b) "ambulance service" means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;
- (c) "Commission" means the Ontario Hospital Services Commission;
- (d) "Director" means the Director of Emergency Health Services;
- (e) "Minister" means the Minister of Health;
- (f) "municipality" includes a metropolitan or regional municipality but does not include an area municipality thereof;
- (g) "operator" means a person or corporation that owns or provides an ambulance service and "operate" has a corresponding meaning;
- (h) "regulations" means the regulations made under this Act;
- (i) "resident" means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months.

Administration of Act

**2.** The Commission is responsible for the administration and enforcement of this Act.

Municipal ambulance service

**3.—**(1) Subject to section 6, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service.

Agreements

(2) The Commission and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service.

Functions of Commission

**4.—**(1) It is the function of the Commission and it has power,

- (a) to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;
- (b) to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;
- (c) to establish, maintain and operate, alone or in co-operation with others, ambulance services, intercommunication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;
- (d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;
- (e) to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Commission under this Act;
- (f) to determine the amounts to be paid by the Commission and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;
- (g) to establish regions and districts for the purposes of ambulance services and the communications facilities therefor.

Application of R.S.O. 1960, c. 349

(2) *The Regulations Act* does not apply to anything done by the Commission under subsection 1.

**5.** No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Commission.

Commission  
to approve  
applica-  
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tion

**6.** No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Operator's  
licence

**7.** The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence.

Temporary  
licence

**8.** The Director may refuse to issue a licence,

Grounds  
for refusal  
to issue

- (a) where the proposed operation would be in contravention of this Act or the regulations;
- (b) where there is no public need for the ambulance service in the area where the applicant proposes to operate;
- (c) where the applicant is not financially responsible;
- (d) where the granting of the licence would be against the public interest.

**9.** The Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened this Act or the regulations or is in breach of a condition of his licence.

Grounds  
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**10.—(1)** Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Commission, and the applicant or licensee may, by written notice given to the Director and the Commission within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Commission.

Notice of  
refusal to  
issue or re-  
vocation

**(2)** The Commission shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Hearing by  
Commission

Contents of notice	<p>(3) The notice of hearing shall contain,</p> <ul style="list-style-type: none"> <li>(a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Commission under subsection 1;</li> <li>(b) a statement of the statutory power under which the hearing is being held;</li> <li>(c) a reference to the rules of procedure applicable to the hearing;</li> <li>(d) a concise statement of the issues;</li> <li>(e) a statement that, if a party who has been duly notified does not attend at the hearing, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.</li> </ul>
Parties	<p><b>11.</b>—(1) The Director, the applicant or licensee and any other person specified by the Commission are parties to the hearing.</p>
Failure to attend	<p>(2) If a person who has been duly notified of a hearing does not attend, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.</p>
Adjourn- ment	<p><b>12.</b>—(1) A hearing may be adjourned from time to time by the Commission on reasonable grounds,</p> <ul style="list-style-type: none"> <li>(a) on its own motion; or</li> <li>(b) on the motion of any party to the hearing.</li> </ul>
Subpoenas	<p>(2) The Commission may command the attendance before it of any person as a witness.</p>
Oaths	<p>(3) The Commission may require any person,</p> <ul style="list-style-type: none"> <li>(a) to give evidence on oath or by affirmation at a hearing; and</li> <li>(b) to produce such documents and things as the Commission requires.</li> </ul>
Idem	<p>(4) The Commission may admit evidence not given under oath.</p>
Offences	<p>(5) Any person who, without lawful excuse,</p> <ul style="list-style-type: none"> <li>(a) on being duly summoned as a witness before the Commission, makes default in attending; or</li> </ul>

- (b) being in attendance as a witness before the Commission, refuses to take an oath or affirmation legally required by the Commission to be taken, or to produce any document or thing in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or
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is guilty of an offence.

(6) The Commission may certify an offence under sub-section 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

**13.**—(1) Any party may be represented before the Commission by counsel or agent. Enforcement  
Right of party to counsel

(2) Any witness may be represented before the Commission by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(3) Any party who is present at a hearing before the Commission may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing

**14.** Upon a review, the Commission shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Commission, forms the record. Evidence

**15.**—(1) The Commission may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director. Powers of Commission

(2) The decision of the Commission, including the reasons therefor, shall be in writing. Decision to be in writing

Contents of  
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(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

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(4) The Commission shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 16.

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Reasons

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Commission within thirty days after he receives the request for the review.

Appeal on  
point of law

(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to a judge of the Court of Appeal.

Service of  
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**17.** Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Appoint-  
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**18.**—(1) The Commission may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

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(2) An inspector may enter the premises or conveyances of an operator at any time during daylight hours and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations.

**19.** Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation.

Notice of  
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**20.** Every licence, except a temporary licence, expires one year after it is issued.

Expiration  
of licences

**21.**—(1) Where a municipality is liable to a hospital for the payment of the charges for treatment of an indigent person or dependant of an indigent person under section 18 of *The Public Hospitals Act*, the municipality is also liable to the hospital for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital.

Payment of  
ambulance  
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indigents

R.S.O. 1960,  
c. 322

(2) Where a municipality is not liable to a hospital for the payment of the charges for treatment of an indigent person or a dependant of an indigent person under section 18 of *The Public Hospitals Act*, the Commission is responsible for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital.

Idem

**22.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

Regulations

- (a) prescribing the standards of conveyances and equipment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such conveyances and equipment as are specified in the regulations;
- (b) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;
- (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Commission;
- (d) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;
- (e) providing for the issuing of licences and prescribing terms and conditions of licences;
- (f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

	(g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance.
Limited application	(2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing.
Penalty	<b>23.</b> —(1) Subject to subsection 2, any person who contravenes this Act or the regulations, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
Corporations	(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.
Penalty	(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
Limitation	(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.
Commission not vicariously liable	<b>24.</b> The Commission shall not be held to be vicariously liable for the acts or omissions of operators or their employees.
Limitation period	<b>25.</b> No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained.
1966, c. 7, repealed	<b>26.</b> <i>The Ambulance Services Act, 1966</i> is repealed.
Commencement	<b>27.</b> This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	<b>28.</b> This Act may be cited as <i>The Ambulance Act, 1968-69</i> .



The Ambulance Act, 1968-69

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*1st Reading*

May 1st, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

October 31st, 1969

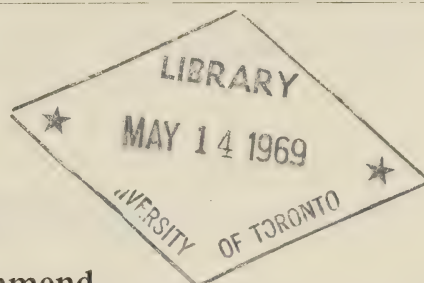
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MR. WELLS

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**BILL 144**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Homes for the Aged and Rest Homes Act**

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. These terms are now introduced in the Act for the first time. The definitions give certainty of meaning and conciseness of form.

Subsection 2. The definition is brought up-to-date.

Subsection 3. The new term is more descriptive of the type of care given.

SECTION 2. The Act is brought into line with the administrative organization. See also section 6 of the Bill; it is complementary.

BILL 144

1968-69

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Homes for the Aged and Rest Homes Act*, as amended by section 2 of *The Homes for the Aged Amendment Act, 1966* and section 1 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by relettering clause *aa* as clause *ab* and by adding thereto the following clauses:

(*aa*) “Director” means the Director of the Homes for the Aged Branch of the Department of Social and Family Services;

. . . . .

(*ea*) “provincial supervisor” means a regional welfare administrator or a welfare institutions supervisor or a field worker of the Department of Social and Family Services or any other employee of the Department who is designated by the Minister as a provincial supervisor;

(*eb*) “regulations” means the regulations made under this Act.

(2) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”.

(3) Clause *f* of the said section 1 is amended by striking out “special-home care” in the first line and inserting in lieu thereof “private-home care”.

**2.** *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section:

Director's  
function

1a.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act or the regulations.

Absence,  
etc.

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates.

Delegation  
of functions

(3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon the Director under this Act or the regulations.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 15 of *The Homes for the Aged and Rest Homes Act*, as amended by section 10 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by striking out "special-home" in the fourth line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Private-  
home care

(1) Upon the recommendation of the administrator, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in private-home care.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 2,  
amended

(2) Subsection 2 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Province  
to share  
cost

(2) Where a person is placed in private-home care, the Treasurer of Ontario shall pay monthly out of the moneys appropriated therefor by the Legislature to the municipality or to the treasurer of the home or joint home, as the case may be, an amount comprising the percentage of the cost thereof prescribed in the regulations, to be computed in the manner prescribed by the regulations.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 3,  
amended

(3) Subsection 3 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

SECTION 3. See note to section 1 (3).

SECTION 4. Self-explanatory.

SECTION 5. These borrowing powers, with specific limitations as to purpose and amount, are applicable to homes in territorial districts.

- (3) A person placed in private-home care may be transferred to the home or joint home at any time. Transfers

(4) Subsection 4 of the said section 15, as amended by section 3 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by striking out "special-home" in the first line and in the amendment of 1960-61 and inserting in lieu thereof in each instance "private-home", so that the subsection shall read as follows: R.S.O. 1960, c. 174, s. 15, subs. 4, amended

- (4) A person placed in private-home care shall for all other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in private-home care. Person considered a resident of home

4. *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section: R.S.O. 1960, c. 174, amended

16. Every home and its books and records shall be open at all reasonable times to inspection by a provincial supervisor. Inspection of records

5. Section 19 of *The Homes for the Aged and Rest Homes Act*, as amended by section 5 of *The Homes for the Aged Amendment Act, 1960-61* and section 13 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 174, s. 19, amended

- (7) Subject to subsection 8, the board of management of a home established under section 4 may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received. Power of district homes to borrow for current expenditures

- (8) The amount that may be borrowed at any one time for the purpose mentioned in subsection 7 together with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the year. Maximum borrowings

- (9) Until the estimates of the board for the current year under this section have been determined, the limitation upon borrowing prescribed in subsection 8 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. Idem

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 26 of *The Homes for the Aged and Rest Homes Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1961-62*, section 7 of *The Homes for the Aged Amendment Act, 1966* and section 14 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following clause:

(ac) prescribing additional duties of the Director.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. k,  
amended

(2) Clause *k* of subsection 1 of the said section 26 is amended by striking out “special-home” in the third line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. l,  
amended

(3) Clause *l* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. m,  
amended

(4) Clause *m* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. n,  
amended

(5) Clause *n* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*.

SECTION 6—Subsection 1. The authority to make regulations is enlarged.

Subsections 2, 3, 4 and 5. See note to section 1 (3).





An Act to amend  
The Homes for the Aged  
and Rest Homes Act

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*1st Reading*

May 1st, 1969

*2nd Reading*

*3rd Reading*

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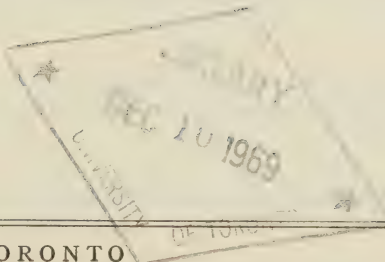
MR. YAREMKO

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend  
The Homes for the Aged and Rest Homes Act**

MR. YAREMKO



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



**An Act to amend  
The Homes for the Aged and Rest Homes Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Homes for the Aged and Rest Homes Act*, as amended by section 2 of *The Homes for the Aged Amendment Act, 1966* and section 1 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by relettering clause *aa* as clause *ab* and by adding thereto the following clauses:

(*aa*) “Director” means the Director of the Homes for the Aged Branch of the Department of Social and Family Services;

(*ea*) “provincial supervisor” means a regional welfare administrator or a welfare institutions supervisor or a field worker of the Department of Social and Family Services or any other employee of the Department who is designated by the Minister as a provincial supervisor;

(*eb*) “regulations” means the regulations made under this Act.

(2) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”.

(3) Clause *f* of the said section 1 is amended by striking out “special-home care” in the first line and inserting in lieu thereof “private-home care”.

**2.** *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section:

Director's  
function

1a.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act or the regulations.

Absence,  
etc.

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates.

Delegation  
of functions

(3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon the Director under this Act or the regulations.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 15 of *The Homes for the Aged and Rest Homes Act*, as amended by section 10 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by striking out "special-home" in the fourth line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Private-  
home care

(1) Upon the recommendation of the administrator, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in private-home care.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 2,  
amended

(2) Subsection 2 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Province  
to share  
cost

(2) Where a person is placed in private-home care, the Treasurer of Ontario shall pay monthly out of the moneys appropriated therefor by the Legislature to the municipality or to the treasurer of the home or joint home, as the case may be, an amount comprising the percentage of the cost thereof prescribed in the regulations, to be computed in the manner prescribed by the regulations.

R.S.O. 1960,  
c. 174, s. 15,  
subs. 3,  
amended

(3) Subsection 3 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

- (3) A person placed in private-home care may be transferred to the home or joint home at any time. Transfers

(4) Subsection 4 of the said section 15, as amended by section 3 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by striking out "special-home" in the first line and in the amendment of 1960-61 and inserting in lieu thereof in each instance "private-home", so that the subsection shall read as follows: R.S.O. 1960, c. 174, s. 15, subs. 4, amended

- (4) A person placed in private-home care shall for all other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in private-home care. Person considered a resident of home

4. *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section: R.S.O. 1960, c. 174, amended

16. Every home and its books and records shall be open at all reasonable times to inspection by a provincial supervisor. Inspection of records

5. Section 19 of *The Homes for the Aged and Rest Homes Act*, as amended by section 5 of *The Homes for the Aged Amendment Act, 1960-61* and section 13 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 174, s. 19, amended

- (7) Subject to subsection 8, the board of management of a home established under section 4 may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received. Power of district homes to borrow for current expenditures

- (8) The amount that may be borrowed at any one time for the purpose mentioned in subsection 7 together with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the year. Maximum borrowings

- (9) Until the estimates of the board for the current year under this section have been determined, the limitation upon borrowing prescribed in subsection 8 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. Idem

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 26 of *The Homes for the Aged and Rest Homes Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1961-62*, section 7 of *The Homes for the Aged Amendment Act, 1966* and section 14 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following clause:

(ac) prescribing additional duties of the Director.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. k,  
amended

(2) Clause *k* of subsection 1 of the said section 26 is amended by striking out “special-home” in the third line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. l,  
amended

(3) Clause *l* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. m,  
amended

(4) Clause *m* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

R.S.O. 1960,  
c. 174, s. 26,  
subs. 1,  
cl. n,  
amended

(5) Clause *n* of subsection 1 of the said section 26 is amended by striking out “special-home” in the second line and inserting in lieu thereof “private-home”.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*.



An Act to amend  
The Homes for the Aged  
and Rest Homes Act

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*1st Reading*

May 1st, 1969

*2nd Reading*

November 5th, 1969

*3rd Reading*

November 24th, 1969

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MR. YAREMKO

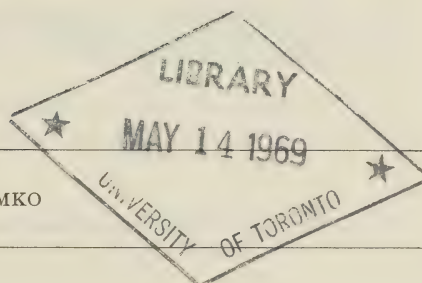
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## BILL 145

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Child Welfare Act, 1965

MR. YAREMKO



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amended section makes it clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

SECTION 3. Complementary to section 4 of the Bill.

## BILL 145

1968-69

## An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Child Welfare Act, 1965* is <sup>1965, c. 14, s. 1, cl. 6,</sup> amended by striking out "Public Welfare" and inserting in <sup>amended</sup> lieu thereof "Social and Family Services".

2. Clause *g* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: <sup>1965, c. 14, s. 6, subs. 2, cl. g, re-enacted</sup>

- (g) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

3.—(1) Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting <sup>1965, c. 14, s. 9, subs. 1, amended</sup> after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows:

- (1) Subject to section 10, the estimate of expenditures <sup>Approval by council</sup> of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures.

(2) Subsection 2 of the said section 9, as amended by <sup>1965, c. 14, s. 9, subs. 2, re-enacted</sup> subsection 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor:

- (2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall <sup>Submission to Minister</sup> be submitted to the Minister after it is approved

under subsection 1 and before the 25th day of April and the Director shall recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by  
Director

- (3) The Director shall, at the time he makes his recommendation under subsection 2, give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval  
by Minister

- (4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or vary the amount of the estimate and approve the estimate as so varied.

1965,  
c. 14, s. 11,  
re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference  
to child  
welfare  
advisory  
committee

- 11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

- (2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate recommended by the Director for the approval of the Minister under subsection 2 of section 9, any of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

Composi-  
tion of  
committee

- (3) Where the Minister receives a request under subsection 1 or 2 he shall,

(a) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

SECTION 4. The re-enacted section provides for the establishment of *ad hoc* child welfare review committees in cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings to the Minister who will make the final determination.



(b) request by notice in writing that,

- (i) one member be appointed to the committee by the Association of Children's Aid Societies, and
- (ii) one member be appointed by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

- (4) When the members have been appointed under <sup>Notice</sup> clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned.
- (5) Where a children's aid society has jurisdiction in <sup>Joint appointment to committee</sup> more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities.
- (6) Where a party who receives a notice to appoint a <sup>Failure to appoint member</sup> member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed the Minister may, in the place of the party who failed to make the appointment, appoint the member to the committee.
- (7) The child welfare review committee shall determine <sup>Procedure</sup> its own procedure and shall give full opportunity to the Director, the society, the municipality or district child welfare budget board and any other municipality in the area in which the municipality has jurisdiction, to present evidence and make submissions.
- (8) The child welfare review committee may receive <sup>Evidence</sup> such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.
- (9) The child welfare review committee shall review <sup>Findings of committee</sup> the evidence submitted to it and obtain any additional evidence or material it deems necessary and

shall report its findings to the Minister, and the Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

1965,  
c. 14, s. 13,  
re-enacted

5. Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Capital  
grants

13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount of 25 per cent of,

- (a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or
- (b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.

Idem

(2) Where the erection of a new building or an addition to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.

Idem

(3) Where the acquisition of an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor

SECTION 5. The re-enacted section will permit the payment of capital grants by instalments at the times and in the manner prescribed by the regulations.

SECTION 6. The amendment removes an inconsistency between this section and section 9 of *The Provincial Courts Act, 1968*.

SECTION 7. The amendment permits the return of a child to the person in whose charge he was at the time of apprehension where that person was not the parent of the child.

SECTION 8—Subsection 1. Self-explanatory.

Subsection 2. Complementary to subsection 3.

Subsection 3. The new subsection substitutes the Director for the municipality as the one to receive notice of an impending hearing under this section where the child is the child of an unmarried mother.

in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed.

- (4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations. Time and manner of payment

**6.** Subsection 2 of section 19 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14, s. 19, subs. 2, re-enacted

- (2) Applications under this Part shall be heard by a judge. By whom cases to be heard

**7.** Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension", so that the subsection shall read as follows: 1965, c. 14, s. 23, subs. 1, amended

- (1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within ten days of his detention. Detention limited

**8.**—(1) Subsection 3 of section 24 of *The Child Welfare Act, 1965* is amended by striking out "Public Welfare" in the seventh line and inserting in lieu thereof "Social and Family Services". 1965, c. 14, s. 24, subs. 3, amended

(2) Subsection 4 of the said section 24 is amended by adding at the commencement thereof "Subject to subsection 4*a*", so that the subsection shall read as follows: 1965, c. 14, s. 24, subs. 4, amended

- (4) Subject to subsection 4*a*, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(3) The said section 24 is amended by adding thereto the following subsection: 1965, c. 14, s. 24, amended

Idem

- (4a) Where the child is a child of an unmarried mother, the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care.

1965,  
c. 14, s. 24,  
subs. 5,  
amended

- (4) Subsection 5 of the said section 24 is amended by striking out "Public Welfare" in the fifth line and inserting in lieu thereof "Social and Family Services".

1965, c. 14,  
s. 25, cl. a,  
re-enacted

- 9.** Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

- (a) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

1965,  
c. 14, s. 34,  
amended

- 10.** Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination  
of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

1965 c. 14,  
amended

- 11.** *The Child Welfare Act, 1965* is amended by adding thereto the following section:

Applica-  
tion of  
R.S.O. 1960,  
c. 387

- 36a.—(1) Subject to subsection 2 and except as otherwise provided, proceedings under this Part shall be in accordance with *The Summary Convictions Act*.

Time for  
appeal  
extended

- (2) Where, by the regulations, a notice is required to be given to the parents or other persons having charge of a child in respect of whom an order has been made under this Part, any time limited for an appeal from the order shall not commence to run until the notice has been given.

Subsection 4. Self-explanatory.

SECTION 9. The re-enacted clause fixes the time during which a child returned to his parent or other person may be made subject to the supervision of a society without a new application being brought.

SECTION 10. The amended section provides for the termination of wardship upon the marriage of the ward.

SECTION 11. The new section provides for the application of *The Summary Convictions Act* to proceedings under Part II of the Act so that procedures and times limited for appeal will be prescribed.

SECTION 12—Subsection 1. Complementary to section 2 of the Bill.

Subsection 2. The new subsection provides for the variation or rescission by a judge of an agreement for the maintenance of a child on the application of one of the parties to the agreement.

SECTION 13. The re-enacted section deals with applications for affiliation orders and makes it clear that an application may not be brought where an agreement for the maintenance of a child has been entered into and the putative father is not in default.

**12.**—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after “wedlock” in the first line “or where it appears that a child is likely to be born out of wedlock”, so that the subsection shall read as follows:

- (1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

(2) The said section 50 is amended by adding thereto the following subsection:

- (6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(a) vary any amount of money payable thereunder; or

(b) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

**13.** Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(a) by the mother of a child born or likely to be born out of wedlock;

(b) by the next friend or guardian of a child born out of wedlock;

(c) by a society; or

- (d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

1965, c. 14,  
amended

**14.** *The Child Welfare Act, 1965* is amended by adding thereto the following section:

Applica-  
tion of  
R.S.O. 1960,  
c. 387

64a. Except as otherwise provided, proceedings under this Part shall be in accordance with *The Summary Convictions Act*.

1965,  
c. 14, s. 87,  
amended

**15.** Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clauses:

(hc) prescribing the times and manner of payment of capital grants under section 13;

(ja) requiring children's aid societies to give notice in the prescribed form to parents or other persons having charge of a child where an order has been made under Part II in respect of the child, and providing the manner in which the notice shall be given.

1965,  
c. 14, s. 88,  
repealed

**16.** Section 88 of *The Child Welfare Act, 1965* is repealed.

Commence-  
ment

**17.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**18.** This Act may be cited as *The Child Welfare Amendment Act, 1968-69*.

SECTION 14. Similar to section 11 of the Bill, respecting proceedings under Part III of the Act.

SECTION 15. Additional regulation-making powers are granted.

SECTION 16. The repealed section was transitional and is no longer required.





An Act to amend  
The Child Welfare Act, 1965

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*1st Reading*

May 1st, 1969

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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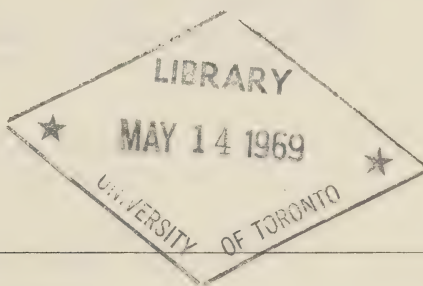
## BILL 146

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act respecting Senior Citizens Week**



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MR. CARRUTHERS

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BILL 146

1968-69

## An Act respecting Senior Citizens Week

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of a municipality may by by-law proclaim the week ending with the third Sunday in June of each year as Senior Citizens Week to be observed in the municipality for the purpose of encouraging,

- (a) the recognition of contributions made over the years by aged men and women to the life of Ontario;
- (b) the appreciation of past and present services rendered by outstanding aged persons, either individually or in associations;
- (c) the development of special programs and projects by and for the aged in communities throughout Ontario; and
- (d) the stimulation of general interest in and knowledge of aging and the aged,

and the by-law may proclaim the Saturday culminating Senior Citizens Week as Senior Citizens Day for such purpose.

**2.** The Department of Social and Family Services shall have responsibility for promoting and encouraging observance of Senior Citizens Week, where proclaimed, and all departments, commissions and other agencies of the Government of Ontario shall co-operate in every way possible.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Senior Citizens Week Act, 1968-69*.

An Act respecting Senior Citizens Week

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*1st Reading*

May 1st, 1969

*2nd Reading*

*3rd Reading*

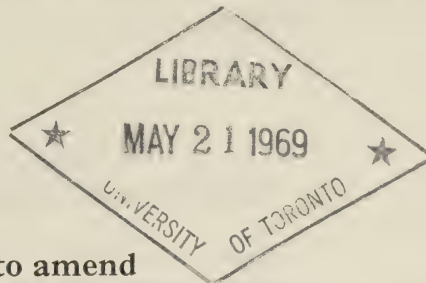
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MR. CARRUTHERS

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## 56 BILL 147

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend  
The Ontario Human Rights Code, 1961-62

MR. BALES

#### EXPLANATORY NOTES

SECTION 1. The effect of this amendment will be to create an exception in certain limited cases from the prohibition against discrimination in employment practices.

SECTION 2. The provision is new; it is self-explanatory.

BILL 147

1968-69

**An Act to amend  
The Ontario Human Rights Code, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of subsection 4 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by adding at the end thereof "where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification", so that the clause shall read as follows:

- (b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification.

**2.** *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section:

5. No person shall,

- (a) refuse to employ or continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to his employment or any term or condition thereof;
- (c) discriminate against any person in regard to his employment or any term or condition thereof; or

Discrimination, etc., prohibited for taking part in proceeding under Act

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

1961-62,  
c. 93, s. 14,  
subs. 1,  
cl. a,  
amended

**3.**—(1) Clause *a* of subsection 1 of section 14 of *The Ontario Human Rights Code, 1961-62* is amended by striking out “\$100” and inserting in lieu thereof “\$500”.

1961-62,  
c. 93, s. 14,  
subs. 1,  
cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 14 is amended by striking out “\$500” in the third line and inserting in lieu thereof “\$2,000”.

1961-62,  
c. 93, s. 14,  
subs. 2,  
repealed

(3) Subsection 2 of the said section 14 is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1968-69*.

SECTION 3—Subsections 1 and 2. The maximum fines are increased.

Subsection 3. The provision repealed is obsolete. See section 4 of *The Fines and Forfeitures Act*.





An Act to amend  
The Ontario Human Rights Code, 1961-62

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*1st Reading*

May 6th, 1969

*2nd Reading*

*3rd Reading*

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MR. BALES

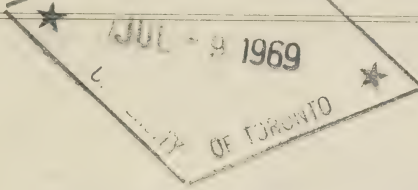
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**BILL 147**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Ontario Human Rights Code, 1961-62**

Mr. BALES

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 147

1968-69

**An Act to amend  
The Ontario Human Rights Code, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of subsection 4 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by adding at the end thereof "where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification", so that the clause shall read as follows:

- (b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification.

**2.** *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section:

5. No person shall,

- (a) refuse to employ or continue to employ any person;

- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to his employment or any term or condition thereof;

- (c) discriminate against any person in regard to his employment or any term or condition thereof; or

Discrimination, etc., prohibited for taking part in proceeding under Act

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

1961-62,  
c. 93, s. 14,  
subs. 1,  
cl. a,  
amended

**3.**—(1) Clause *a* of subsection 1 of section 14 of *The Ontario Human Rights Code, 1961-62* is amended by striking out “\$100” and inserting in lieu thereof “\$500”.

1961-62,  
c. 93, s. 14,  
subs. 1,  
cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 14 is amended by striking out “\$500” in the third line and inserting in lieu thereof “\$2,000”.

1961-62,  
c. 93, s. 14,  
subs. 2,  
repealed

(3) Subsection 2 of the said section 14 is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1968-69*.







An Act to amend  
The Ontario Human Rights Code, 1961-62

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*1st Reading*

May 6th, 1969

*2nd Reading*

June 11th, 1969

*3rd Reading*

June 18th, 1969

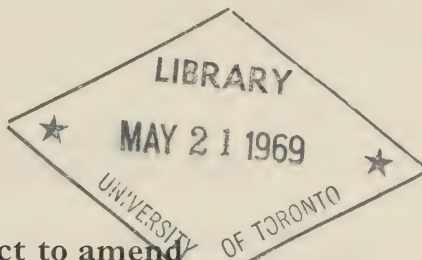
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MR. BALES

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**BILL 148**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Industrial Safety Act, 1964**

MR. BALES

TORONTO

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#### EXPLANATORY NOTE

The purpose of this Bill is to eliminate certificates of registration of factories, the use of which has become obsolete due to the introduction of automatic data processing.

BILL 148

1968-69

**An Act to amend  
The Industrial Safety Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 17 of *The Industrial Safety Act, 1964* are repealed. 1964,  
c. 45, s. 17,  
subss. 2, 3,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Industrial Safety Amendment Act, 1968-69*. Short title

An Act to amend  
The Industrial Safety Act, 1964

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*1st Reading*

May 7th, 1969

*2nd Reading*

*3rd Reading*

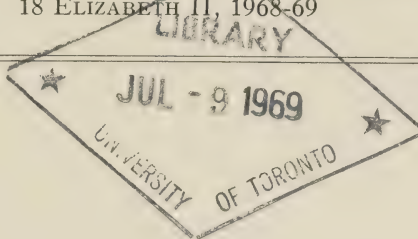
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MR. BALES

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**BILL 148**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Industrial Safety Act, 1964**

MR. BALES



BILL 148

1968-69

**An Act to amend  
The Industrial Safety Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 17 of *The Industrial Safety Act, 1964* are repealed. 1964,  
c. 45, s. 17,  
subss. 2, 3,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Industrial Safety Amendment Act, 1968-69*. Short title

An Act to amend  
The Industrial Safety Act, 1964

*1st Reading*

May 7th, 1969

*2nd Reading*

June 11th, 1969

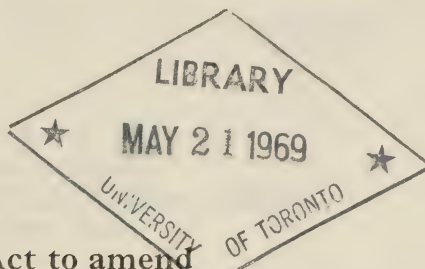
*3rd Reading*

June 18th, 1969

MR. BALES

## BILL 149

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend  
The Archaeological and Historic Sites Protection Act

MR. PITMAN

#### EXPLANATORY NOTE

The effect of this Bill is to declare all buildings 100 years or more old to be historic buildings, and to prohibit their demolition or structural alteration without a permit issued by the Minister of Tourism and Information.

BILL 149

1968-69

**An Act to amend  
The Archaeological and Historic Sites  
Protection Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Archaeological and Historic Sites Protection Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 19, s. 1,  
amended

(ca) "historic building" means a building that has been in existence either in whole or in substantial part for more than 100 years.

**2.** *The Archaeological and Historic Sites Protection Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 19,  
amended

7a. No person shall demolish or structurally alter an historic building unless he is the holder of a permit to do so from the Minister. Permit  
holder  
only may  
demolish,  
etc.,  
historic  
building

7b.—(1) Upon application made to him in writing, the Minister may issue a permit to the owner of an historic building to demolish or structurally alter the building. Minister  
may issue  
permit

(2) An application under subsection 1 for a permit to structurally alter an historic building shall be accompanied by plans and specifications in duplicate clearly displaying the nature and extent of the proposed alteration. Plans and  
specifica-  
tions

(3) Before issuing a permit under subsection 1, the Minister shall obtain the views of the local historical society in the area regarding the application, or if no such society exists, he shall obtain the views of the municipal council having jurisdiction in the area in which the historic building is situate. Minister  
to obtain  
views of  
local  
historical  
society or  
municipal  
council

Terms and  
conditions

7c. The Minister may impose such terms and conditions on a permit as he considers proper, and may cancel a permit for a breach of any term or condition to which it is subject.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1968-69*.







An Act to amend  
The Archaeological and Historic Sites  
Protection Act

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*1st Reading*

May 7th, 1969

*2nd Reading*

*3rd Reading*

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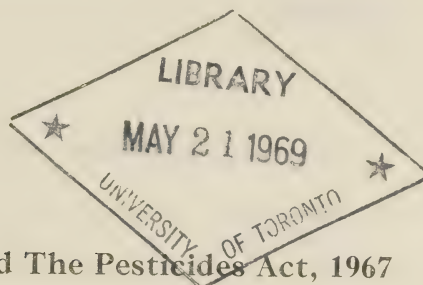
MR. PITMAN

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## BILL 150

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Pesticides Act, 1967

MR. SHULMAN

EXPLANATORY NOTE

Self-explanatory.

BILL 150

1968-69

### An Act to amend The Pesticides Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pesticides Act, 1967* is amended by adding thereto <sup>1967, c. 74, amended</sup> the following section:

12a. Notwithstanding the provisions of this or any general or special Act, no person shall distribute, sell or offer for sale in Ontario, or ship or deliver for shipment from Ontario to any other province of Canada or to a foreign country, the chemical compound DDT (dichlorodiphenyltrichloroethene). <sup>Distribution or sale of DDT prohibited</sup>

2. This Act comes into force on the 1st day of January, <sup>Commencement</sup> 1971.

3. This Act may be cited as *The Pesticides Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend  
The Pesticides Act, 1967

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*1st Reading*

May 7th, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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## BILL 151

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Corporations Act**

MR. WELCH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1. The amendments change the references to the Provincial Secretary to the Minister designated by the Lieutenant Governor in Council to administer the Act.

SECTION 2. The subclause amended is part of the definition of insider and the amendment is for clarification only.

SECTION 3. The provisions repealed provide for orders for compliance or restraining orders in respect of the furnishing of insider reports. The content is transferred to the section added by section 9 of the Bill.

BILL 151

1968-69

## An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Corporations Act*, as amended by section 1 of *The Corporations Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 71, s. 1, amended

(da) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 1, amended

(2) Any reference in this Act to the Provincial Secretary, Deputy Provincial Secretary or the Department of the Provincial Secretary shall be deemed to be a reference to the Minister as defined in subsection 1, his Deputy Minister or his department, respectively. References to Provincial Secretary, etc.

2. Subclause iii of clause *e* of subsection 1 of section 71 of *The Corporations Act*, as enacted by section 1 of *The Corporations Amendment Act, 1968*, is amended by inserting after “of” in the second line “such”, so that the subclause shall read as follows: R.S.O. 1960, c. 71, s. 71, subs. 1, cl. e, subcl. iii (1968, c. 19, s. 1), amended

(iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding.

3. Subsections 5 and 6 of section 71c of *The Corporations Act*, as enacted by section 3 of *The Corporations Amendment Act, 1966*, are repealed. R.S.O. 1960, c. 71, s. 71c (1966, c. 28, s. 3), subss. 5, 6, repealed

R.S.O. 1960, c. 71, s. 75*d* (1966, c. 28, s. 4), subss. 2-4, re-enacted

**4.** Subsections 2, 3 and 4 of section 75*d* of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Exemption  
orders

- (2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 75*b* or of subsection 1 of section 75*c*.

Hearing of  
Commission  
1966, c. 142

- (3) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal  
from  
Commission

- (4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal.

R.S.O. 1960, c. 71, s. 84, subss. 3-5 (1966, c. 28, s. 8, subss. 4), re-enacted

**5.** Subsections 3, 4 and 5 of section 84 of *The Corporations Act*, as enacted by subsection 4 of section 8 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Order for  
omission  
of sales  
or gross  
operating  
revenue

- (3) A public company may apply to the Commission for an order permitting sales or gross operating revenue referred to in clause *a* of subsection 1 of this section or subclause *i* of clause *b* of subsection 1 of section 93*a* to be omitted from the statement of profit and loss or the interim financial statement, as the case may be, and the Commission may, on such terms and conditions as it may impose, permit such omission where it is satisfied that in the circumstances the disclosure of such information would be unduly detrimental to the interests of the company.

Hearing of  
Commission

- (4) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal  
from  
Commission

- (5) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal.

SECTIONS 4 AND 5. The amendment makes the procedures to exempt Ontario companies from the requirements regarding proxy solicitations and disclosure of gross sales in financial statements the same as those applying to a company incorporated outside Ontario under *The Securities Act, 1966*.

SECTIONS 6 AND 7. The powers of mutual insurance corporations are extended to undertake liability insurance in respect of the persons and property insured against fire, and provision is made to permit reinsurance.

6. Section 150 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 71, s. 150,  
amended

- (3) A mutual insurance corporation without guarantee capital stock, all the members of which are corporations mentioned in subsection 2, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of reinsurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation  
for re-  
insurance

7. Subsection 13, as amended by section 6 of *The Corporations Amendment Act, 1962-63*, and subsection 14 of section 151 of *The Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 71, s. 151,  
subss. 13, 14,  
re-enacted

- (13) A mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan has and is limited to the power to, Powers

- (a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1960,  
c. 190

- (b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*; and

- (c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire.

- (14) The letters patent of a mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13. Powers  
deemed in  
letters  
patent

R.S.O. 1960,  
c. 71, s. 223,  
amended

**8.** Section 223 of *The Corporations Act*, as amended by section 8 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "in" where it occurs the first time in the sixth line and inserting in lieu thereof "into the capital account of the corporation", so that the section shall read as follows:

Directors  
of joint  
stock  
insurance  
company,  
qualifica-  
tions

223. Subject to section 224, no person is eligible to become or shall be elected a director of a joint stock insurance company unless he is twenty-one or more years of age and holds in his own name and for his own use and absolutely in his own right shares of the capital stock of the company upon which at least \$500 has been paid into the capital account of the corporation and has paid in cash all calls and instalments due thereon and all liabilities incurred by him to the company.

R.S.O. 1960,  
c. 71,  
amended

**9.** *The Corporations Act* is amended by adding thereto the following section:

Order for  
compliance

341a.—(1) Where it appears to the Commission that any person or company to which section 71a, subsection 1 of section 75b, subsection 1 of section 75c applies has failed to comply with or is contravening any such provision, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention, the Commission may apply to a judge of the High Court designated by the Chief Justice of the High Court for an order directing such person or company to comply with such provision or for an order restraining such person or company from contravening such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Corporations Amendment Act, 1968-69*.

SECTION 8. The amendment ensures that the payment for the qualifying shares for a director of a joint stock insurance company is paid into the capital account of the corporation.

SECTION 9. The procedure for applying to a judge for an order compelling compliance with the requirement for furnishing insider reports is expanded to include the requirements for furnishing proxy forms and information circulars respecting proxies and is complementary to section 141a of *The Securities Act, 1966*.





ARTICLE 20. GENERAL  
The Corporations Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

*3rd Reading*

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MR. WELCH

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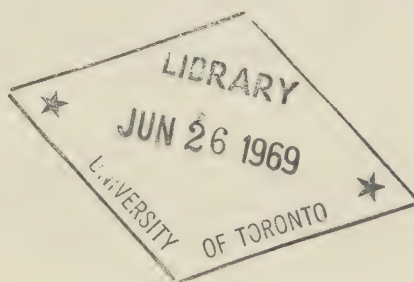
## BILL 151

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Corporations Act

MR. WELCH





BILL 151

1968-69

## An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Corporations Act*, as amended by section 1 of *The Corporations Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 71, s. 1,  
amended

(*da*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 71, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary, Deputy Provincial Secretary or the Department of the Provincial Secretary shall be deemed to be a reference to the Minister as defined in subsection 1, his Deputy Minister or his department, respectively. References  
to  
Provincial  
Secretary,  
etc.

2. Subclause iii of clause *e* of subsection 1 of section 71 of *The Corporations Act*, as enacted by section 1 of *The Corporations Amendment Act, 1968*, is amended by inserting after "of" in the second line "such", so that the subclause shall read as follows: R.S.O. 1960,  
c. 71, s. 71,  
subs. 1,  
cl. *e*,  
subcl. iii  
(1968,  
c. 19, s. 1),  
amended

(iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding.

3. Subsections 5 and 6 of section 71*c* of *The Corporations Act*, as enacted by section 3 of *The Corporations Amendment Act, 1966*, are repealed. R.S.O. 1960,  
c. 71, s. 71*c*  
(1966, c. 28,  
s. 3),  
subss. 5, 6,  
repealed

R.S.O. 1960,  
c. 71, s. 75*d*  
(1966, c. 28,  
s. 4),  
subss. 2-4,  
re-enacted

4. Subsections 2, 3 and 4 of section 75*d* of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Exemption  
orders

- (2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 75*b* or of subsection 1 of section 75*c*.

Hearing of  
Commission  
1966, c. 142

- (3) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal  
from  
Commission

- (4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal.

R.S.O. 1960,  
c. 71, s. 84,  
subss. 3-5  
(1966, c. 28,  
s. 8, subs. 4),  
re-enacted

5. Subsections 3, 4 and 5 of section 84 of *The Corporations Act*, as enacted by subsection 4 of section 8 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Order for  
omission  
of sales  
or gross  
operating  
revenue

- (3) A public company may apply to the Commission for an order permitting sales or gross operating revenue referred to in clause *a* of subsection 1 of this section or subclause *i* of clause *b* of subsection 1 of section 93*a* to be omitted from the statement of profit and loss or the interim financial statement, as the case may be, and the Commission may, on such terms and conditions as it may impose, permit such omission where it is satisfied that in the circumstances the disclosure of such information would be unduly detrimental to the interests of the company.

Hearing of  
Commission

- (4) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal  
from  
Commission

- (5) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal.

6. Section 150 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 71, s. 150,  
amended

- (3) A mutual insurance corporation without guarantee capital stock, all the members of which are corporations mentioned in subsection 2, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of reinsurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation  
for re-  
insurance

7. Subsection 13, as amended by section 6 of *The Corporations Amendment Act, 1962-63*, and subsection 14 of section 151 of *The Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 71, s. 151,  
subss. 13, 14,  
re-enacted

- (13) A mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan has and is limited to the power to, Powers

- (a) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*;

R.S.O. 1960,  
c. 190

- (b) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*; and

- (c) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire.

- (14) The letters patent of a mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13. Powers  
deemed in  
letters  
patent

R.S.O. 1960,  
c. 71, s. 223,  
amended

**8.** Section 223 of *The Corporations Act*, as amended by section 8 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "in" where it occurs the first time in the sixth line and inserting in lieu thereof "into the capital account of the corporation", so that the section shall read as follows:

Directors  
of joint  
stock  
insurance  
company,  
qualifica-  
tions

223. Subject to section 224, no person is eligible to become or shall be elected a director of a joint stock insurance company unless he is twenty-one or more years of age and holds in his own name and for his own use and absolutely in his own right shares of the capital stock of the company upon which at least \$500 has been paid into the capital account of the corporation and has paid in cash all calls and instalments due thereon and all liabilities incurred by him to the company.

R.S.O. 1960,  
c. 71,  
amended

**9.** *The Corporations Act* is amended by adding thereto the following section:

Order for  
compliance

341a.—(1) Where it appears to the Commission that any person or company to which section 71a, subsection 1 of section 75b, subsection 1 of section 75c applies has failed to comply with or is contravening any such provision, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention, the Commission may apply to a judge of the High Court designated by the Chief Justice of the High Court for an order directing such person or company to comply with such provision or for an order restraining such person or company from contravening such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Corporations Amendment Act, 1968-69*.



An Act to amend  
The Corporations Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 6th, 1969

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MR. WELCH

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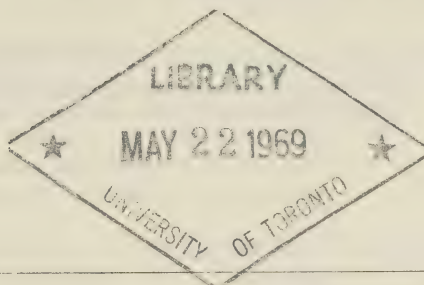
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**BILL 152**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Corporations Information Act**



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MR. WELCH

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#### EXPLANATORY NOTE

The Bill changes the references to the Provincial Secretary to the Minister designated by the Lieutenant Governor in Council to administer the Act.

BILL 152

1968-69

## An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Information Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 72, s. 1,  
amended

(aa) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the eighth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 1,  
amended

(2) Subsection 5a of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62* and amended by subsection 1 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is further amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 5a  
(1961-62,  
c. 22, s. 1),  
amended

(3) Subsection 5b of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by striking out "Provincial Secretary" in the seventh line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 5b  
(1961-62,  
c. 22, s. 1),  
amended

(4) Subsection 8a of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 8a  
(1962-63,  
c. 25, s. 1,  
subs. 4),  
amended

(5) Subsection 10 of the said section 3, as re-enacted by section 2 of *The Corporations Information Amendment Act, 1966*, is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 10  
(1966, c. 29,  
s. 2),  
amended

R.S.O. 1960,  
c. 72, s. 3,  
subs. 11,  
amended (6) Subsection 11 of the said section 3 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 72, s. 3,  
subs. 13,  
amended (7) Subsection 13 of the said section 3 is amended by striking out "Provincial Secretary" in the second line, in the second and third lines and in the eighth line, and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 72, s. 3,  
subs. 14  
(1962-63,  
c. 25, s. 1,  
subs. 4),  
amended (8) Subsection 14 of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the second line, in the third line, in the third and fourth lines, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 72, s. 4,  
amended **3.** Section 4 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commence-  
ment **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Corporations Information Amendment Act, 1968-69*.







An Act to amend  
The Corporations Information Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

*3rd Reading*

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MR. WELCH

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**BILL 152**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Corporations Information Act**

MR. WELCH





## An Act to amend The Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Information Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 72, s. 1,  
amended

(aa) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the eighth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 1,  
amended

(2) Subsection 5a of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62* and amended by subsection 1 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is further amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 5a,  
(1961-62,  
c. 22, s. 1),  
amended

(3) Subsection 5b of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by striking out "Provincial Secretary" in the seventh line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 5b,  
(1961-62,  
c. 22, s. 1),  
amended

(4) Subsection 8a of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 8a,  
(1962-63,  
c. 25, s. 1,  
subs. 4),  
amended

(5) Subsection 10 of the said section 3, as re-enacted by section 2 of *The Corporations Information Amendment Act, 1966*, is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 72, s. 3,  
subs. 10,  
(1966, c. 29,  
s. 2),  
amended

R.S.O. 1960,  
c. 72, s. 3,  
subs. 11,  
amended

(6) Subsection 11 of the said section 3 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 72, s. 3,  
subs. 13,  
amended

(7) Subsection 13 of the said section 3 is amended by striking out "Provincial Secretary" in the second line, in the second and third lines and in the eighth line, and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 72, s. 3,  
subs. 14  
(1962-63,  
c. 25, s. 1,  
subs. 4),  
amended

(8) Subsection 14 of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the second line, in the third line, in the third and fourth lines, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 72, s. 4,  
amended

**3.** Section 4 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Corporations Information Amendment Act, 1968-69*.







An Act to amend  
The Corporations Information Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 6th, 1969

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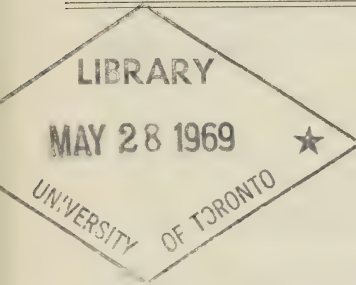
MR. WELCH

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**BILL 153**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Corporation Securities Registration Act**

MR. WELCH

#### EXPLANATORY NOTE

The amendments change the references to the Provincial Secretary to the Minister designated by the Lieutenant Governor in Council to administer the Act.

BILL 153

1968-69

## An Act to amend the The Corporation Securities Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 1, amended is amended by adding thereto the following clause:

(fa) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 3, subs. 1, amended is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister".

(2) Subsection 2 of the said section 3 is amended by R.S.O. 1960, c. 70, s. 3, subs. 2, amended striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister".

3. Section 5 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 5, amended is amended by striking out "Provincial Secretary" in the third and fourth lines and inserting in lieu thereof "Minister".

4. Section 6 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 6, amended is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

5.—(1) Subsection 1 of section 9 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 9, subs. 1, amended is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister".

(2) Subsection 2 of the said section 9 is amended by R.S.O. 1960, c. 70, s. 9, subs. 2, amended striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 9,  
subs. 3,  
amended (3) Subsection 3 of the said section 9 is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 9,  
subs. 4,  
amended (4) Subsection 4 of the said section 9 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 1,  
amended **6.**—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 2,  
amended (2) Subsection 2 of the said section 10 is amended by striking out "Provincial Secretary" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 3,  
amended (3) Subsection 3 of the said section 10 is amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 11,  
amended **7.** Section 11 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 70, s. 12,  
amended **8.** Section 12 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commence-  
ment **9.** This Act comes into force on the day it receives Royal Assent.

Short title **10.** This Act may be cited as *The Corporation Securities Registration Amendment Act, 1968-69*.







An Act to amend The Corporation  
Securities Registration Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

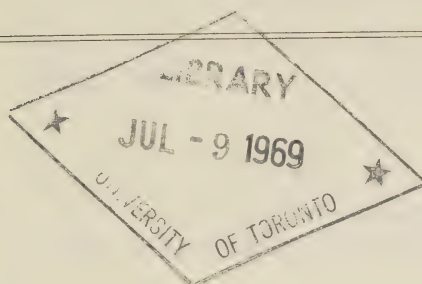
*3rd Reading*

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MR. WELCH

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Corporation Securities Registration Act**

Mr. WELCH



BILL 153

1968-69

## An Act to amend the The Corporation Securities Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporation Securities Registration Act* R.S.O. 1960, c. 70, s. 1, amended is amended by adding thereto the following clause:

(fa) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 3, subs. 1, amended

(2) Subsection 2 of the said section 3 is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 3, subs. 2, amended

3. Section 5 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third and fourth lines and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 5, amended

4. Section 6 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 6, amended

5.—(1) Subsection 1 of section 9 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 9, subs. 1, amended

(2) Subsection 2 of the said section 9 is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 9, subs. 2, amended

R.S.O. 1960,  
c. 70, s. 9,  
subs. 3,  
amended (3) Subsection 3 of the said section 9 is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 9,  
subs. 4,  
amended (4) Subsection 4 of the said section 9 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 1,  
amended **6.**—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 2,  
amended (2) Subsection 2 of the said section 10 is amended by striking out "Provincial Secretary" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 70, s. 10,  
subs. 3,  
amended (3) Subsection 3 of the said section 10 is amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 70, s. 11,  
amended **7.** Section 11 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 70, s. 12,  
amended **8.** Section 12 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commence-  
ment **9.** This Act comes into force on the day it receives Royal Assent.

Short title **10.** This Act may be cited as *The Corporation Securities Registration Amendment Act, 1968-69*.







An Act to amend The Corporation  
Securities Registration Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 6th, 1969

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MR. WELCH

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Publication

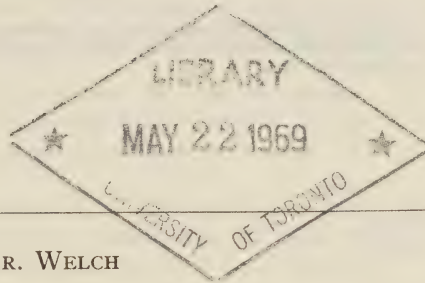
## BILL 154

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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### An Act to amend The Mortmain and Charitable Uses Act



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MR. WELCH

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#### EXPLANATORY NOTE

The amendments change the references to the Provincial Secretary to the Minister designated by the Lieutenant Governor in Council to administer the Act.

BILL 154

1968-69

**An Act to amend  
The Mortmain and Charitable Uses Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 1 of *The Mortmain and Charitable Uses Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 246, s. 1, subs. 1, amended

(ca) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

**2.—(1)** Subsection 2 of section 4 of *The Mortmain and Charitable Uses Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 246, s. 4, subs. 2, amended

(2) Subsection 3 of the said section 4 is amended by striking out "Provincial Secretary" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 246, s. 4, subs. 3, amended

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1968-69*. Short title

An Act to amend  
The Mortmain and Charitable Uses Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

*3rd Reading*

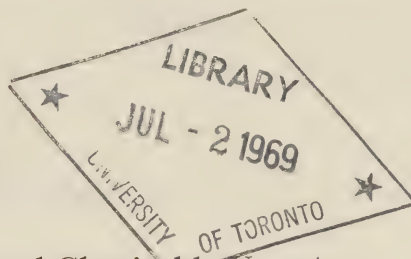
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MR. WELCH

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BILL 154

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Mortmain and Charitable Uses Act

MR. WELCH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 154

1968-69

## An Act to amend The Mortmain and Charitable Uses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Mortmain and Charitable Uses Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 246, s. 1,  
subs. 1,  
amended

(ca) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 2 of section 4 of *The Mortmain and Charitable Uses Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 246, s. 4,  
subs. 2,  
amended

(2) Subsection 3 of the said section 4 is amended by striking out "Provincial Secretary" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,  
c. 246, s. 4,  
subs. 3,  
amended

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1968-69*. Short title

An Act to amend  
The Mortmain and Charitable Uses Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 6th, 1969

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MR. WELCH

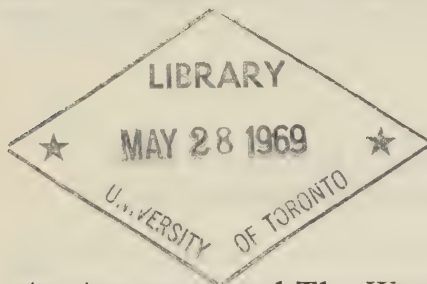
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# BILL 155

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



## An Act to amend The Workmen's Compensation Act

MR. BALES

#### EXPLANATORY NOTES

SECTION 1. This amendment provides for an increase in the minimum amount payable for temporary disability and for an increase in the minimum pension payable for permanent disability.

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 43 of *The Workmen's Compensation Act*, R.S.O. 1960, c. 437, s. 43, as re-enacted by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1965*, (1965, c. 142, s. 4, subs. 1), re-enacted, is repealed and the following substituted therefor:

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than, Minimum amount of compensation

(a) for temporary total disability,

- (i) where his average earnings are not less than \$40 a week, \$40 a week, and
- (ii) where his average earnings are less than \$40 a week, the amount of such earnings,

and for temporary partial disability a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44 but the amount of such pension shall not be less than,

- (i) for permanent total disability, \$175 a month, and
- (ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.

Application  
of s. 43

(2) Section 43 of *The Workmen's Compensation Act*, as re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1969, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1969.

R.S.O. 1960,  
c. 437,  
amended

**2.** *The Workmen's Compensation Act* is amended by adding thereto the following section:

Reports  
privileged

97a. Every report made under section 52 and every other report made or submitted to the Board by a physician, surgeon, hospital, nurse, dentist, drugless practitioner, chiropodist or optometrist is for the use and purposes of the Board only, is deemed to be a privileged communication of the person making or submitting the same, and unless it is proved that it was made maliciously, is not admissible as evidence or subject to production in any court in an action or proceeding against such person.

Commence-  
ment

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1969.

Short title

**4.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1968-69*.

SECTION 2. The purpose of this amendment is to give statutory protection to those providing reports and other communications of a medical nature in good faith to the Board concerning an injured workman.





An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

*3rd Reading*

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MR. BATES

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**BILL 155**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Workmen's Compensation Act**

MR. BALES ★

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## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 43 of *The Workmen's Compensation Act*, R.S.O. 1960, c. 437, s. 43, as re-enacted by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1965*, (1965, c. 142, s. 4, subs. 1), re-enacted, is repealed and the following substituted therefor:

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than, Minimum amount of compensation

(a) for temporary total disability,

- (i) where his average earnings are not less than \$40 a week, \$40 a week, and
- (ii) where his average earnings are less than \$40 a week, the amount of such earnings,

and for temporary partial disability a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44 but the amount of such pension shall not be less than,

- (i) for permanent total disability, \$175 a month, and
- (ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.

Application  
of s. 43

(2) Section 43 of *The Workmen's Compensation Act*, as re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1969, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1969.

R.S.O. 1960,  
c. 437,  
amended

**2.** *The Workmen's Compensation Act* is amended by adding thereto the following section:

Reports  
privileged

97a. Every report made under section 52 and every other report made or submitted to the Board by a physician, surgeon, hospital, nurse, dentist, drugless practitioner, chiropodist or optometrist is for the use and purposes of the Board only, is deemed to be a privileged communication of the person making or submitting the same, and unless it is proved that it was made maliciously, is not admissible as evidence or subject to production in any court in an action or proceeding against such person.

Commence-  
ment

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1969.

Short title

**4.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1968-69*.







An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

May 8th, 1969

*2nd Reading*

June 26th, 1969

*3rd Reading*

June 27th, 1969

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MR. BALES

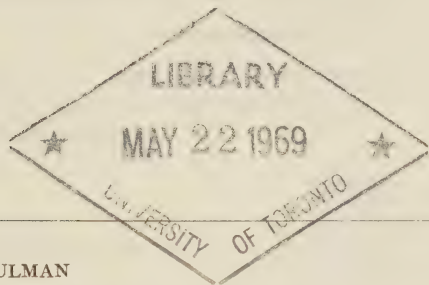
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## BILL 156

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend The Highway Traffic Act



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

Self-explanatory.

## BILL 156

1968-69

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

51b.—(1) In this section, “motor bus” means any motor vehicle used or designed to be used on a highway for the carriage of ten or more passengers. Interpre-  
tation

(2) No person shall,

(a) manufacture any motor bus; or

(b) introduce, deliver, transport or cause to be transported for sale, sell or offer for sale, in Ontario any motor bus manufactured on or after the day this section comes into force,

Manufac-  
ture, sale,  
etc., of a  
motor bus  
without  
seat belts  
prohibited

unless the motor bus is equipped with a seat belt at each passenger seat location.

(3) Any person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. Offence

2. This Act comes into force on the 1st day of August, 1970. Commence-  
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*. Short title

An Act to amend  
The Highway Traffic Act

*1st Reading*

May 8th, 1969

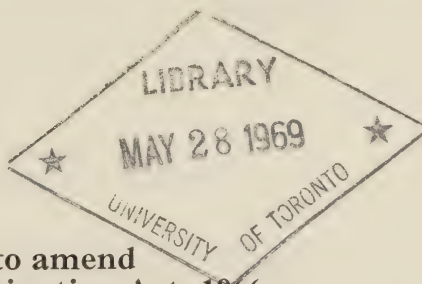
*2nd Reading*

*3rd Reading*

MR. SHULMAN

# BILL 157

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



## An Act to amend The Age Discrimination Act, 1966

MR. BALES

EXPLANATORY NOTE

The purpose of the Bill is self-evident.

BILL 157

1968-69

**An Act to amend  
The Age Discrimination Act, 1966**

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. *The Age Discrimination Act, 1966* is amended by adding <sup>1966, c. 3,  
amended</sup> thereto the following section:

4a. This Act applies to and binds the Crown in right of <sup>Crown  
bound  
by Act</sup> Ontario and every agency thereof.

2. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

3. This Act may be cited as *The Age Discrimination* <sup>Short title</sup>  
*Amendment Act, 1968-69.*

An Act to amend  
The Age Discrimination Act, 1966

*1st Reading*

May 9th, 1969

*2nd Reading*

*3rd Reading*

MR. BALES

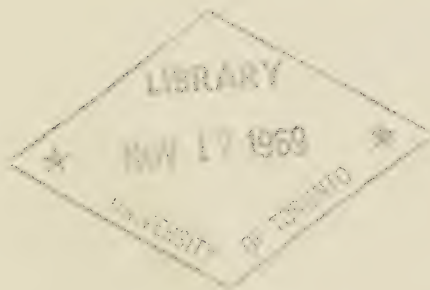
**BILL 157**

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend  
The Age Discrimination Act, 1966**

MR. BALES





BILL 157

1968-69

**An Act to amend  
The Age Discrimination Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Age Discrimination Act, 1966* is amended by adding <sup>1966, c. 3,</sup> thereto the following section: <sub>amended</sub>

**4a.** This Act applies to and binds the Crown in right of <sup>Crown</sup> Ontario and every agency thereof. <sub>bound  
by Act</sub>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**3.** This Act may be cited as *The Age Discrimination* <sup>Short title</sup> *Amendment Act, 1968-69.*

An Act to amend  
The Age Discrimination Act, 1966

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*1st Reading*

May 9th, 1969

*2nd Reading*

June 13th, 1969

*3rd Reading*

October 31st, 1969

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MR. BALEs

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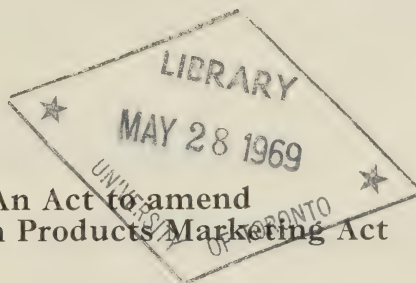
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Publications

## BILL 158

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



### An Act to amend The Farm Products Marketing Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment clarifies the authority of the Board or a local board to require the completion and filing of information returns.

Subsection 2. The clause as re-enacted is extended to apply to “documents” and to persons engaged in “producing” a regulated product.

Subsection 3. Complementary to subsection 2.

Subsection 4. The clause as re-enacted is extended to permit co-operation with marketing boards, commissions or agencies of the Government of Canada.

BILL 158

1968-69

## An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by inserting after “product” in the fourth line “including the completing and filing of returns”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *d*,  
amended

- (*d*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product, including the completing and filing of returns, as the Board or local board determines.

(2) Clause *e* of subsection 1 of the said section 4, as re-enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *e*,  
(1962-63,  
c. 45, s. 3,  
subs. 2),  
re-enacted

- (*e*) appoint persons to inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing the regulated product.

(3) Subclause *i* of clause *ea* of subsection 1 of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *ea*,  
(1962-63,  
c. 45, s. 3,  
subs. 2),  
subcl. *i*,  
re-enacted

- (*i*) the books, records and documents.

(4) Clause *g* of subsection 1 of the said section 4 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *g*,  
re-enacted

- (g) co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing any regulated product.

R.S.O. 1960,  
c. 137, s. 4,  
subs. 6  
(1965,  
c. 39, s. 2),  
re-enacted

- (5) Subsection 6 of the said section 4, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1965*, is repealed and the following substituted therefor:

Protection  
of board  
members  
and  
employees

- (6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done or omitted to be done by it or by him in good faith in the exercise of any power or the performance of any duty under the authority, or purporting to be under the authority, of this Act or the regulations.

R.S.O. 1960,  
c. 137, s. 6,  
subs. 2  
(1962-63,  
c. 45, s. 5,  
subs. 4),  
amended

2. Subsection 2 of section 6 of *The Farm Products Marketing Act*, as re-enacted by subsection 4 of section 5 of *The Farm Products Marketing Amendment Act, 1962-63*, is amended by inserting after "plan" in the first line "or any regulations", so that the subsection shall read as follows:

Application  
of plan and  
regulations

- (2) A plan or any regulations may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 13,  
amended

- 3.—(1) Paragraph 13 of subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by inserting after "fees" in the second line "carrying charges", so that the paragraph shall read as follows:

13. authorizing a local board to use any class of licence fees, carrying charges and other moneys payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 20  
(1962-63,  
c. 45, s. 6,  
subs. 7),  
re-enacted

- (2) Paragraph 20 of subsection 1 of the said section 8, as re-enacted by subsection 7 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Subsection 5. The subsection as re-enacted extends the protection against personal liability of members, officers, clerks and employees of the Board and of local boards.

SECTION 2. The amendment clarifies the intent that the subsection is applicable to marketing regulations as well as to marketing plans.

SECTION 3—Subsection 1. The authority of a local board to use for its purposes service charges payable to it is clarified.

Subsection 2. The amendment modifies the manner in which a local board may distribute moneys received from the sale of a regulated product under a pool conducted for such purpose.

Subsection 3. The purpose of the new subsection is to clarify the methods by which a local board may carry out its functions under a plan.

SECTION 4—Subsection 1. The amendment ensures that the subclause applies where a regulated product is being sold by a local board on its own account and not on behalf of producers.

Subsection 2. The amendment ensures that a local board may bring an action to collect moneys owing regardless of whether a regulated product is sold on its own account or on behalf of producers.

Subsection 3. The amendment clarifies the authority of a local board to sell or otherwise dispose of a regulated product purchased or otherwise acquired by it.

20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade or size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.

(3) The said section 8, as amended by section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, section 3 of *The Farm Products Marketing Amendment Act, 1965*, section 1 of *The Farm Products Marketing Amendment Act, 1966* and section 3 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (6) Where the Board authorizes a local board to exercise any of the powers mentioned in subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions.

4.—(1) Subclause iv of clause *a* of subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by inserting after “producers” in the second line “or to the local board, as the case may be”, so that the subclause shall read as follows:

- (iv) to determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario.

(2) Subclause vii of clause *a* of subsection 1 of the said section 9 is amended by striking out “owing to the producer” in the fourth line, so that the subclause shall read as follows:

- (vii) to collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of the regulated product.

(3) Subclause viii of clause *a* of subsection 1 of the said section 9, as amended by subsection 5 of section 7 of *The Farm Products Marketing Amendment Act, 1962-63*, is further

amended by adding at the end thereof "and to sell or otherwise dispose of any of the regulated product so purchased or acquired", so that the subclause shall read as follows:

- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable and to sell or otherwise dispose of any of the regulated product so purchased or acquired.

R.S.O. 1960,  
c. 137, s. 9,  
amended

(4) The said section 9, as amended by section 7 of *The Farm Products Marketing Amendment Act, 1962-63* and section 4 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Power of  
local board  
to make  
regulations,  
etc.

- (2a) Where the Board vests in a local board any of the powers mentioned in clause *a* or *aa* of subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions.

R.S.O. 1960,  
c. 137,  
amended

5. *The Farm Products Marketing Act* is amended by adding thereto the following sections:

Producer-  
processors

- 10b.—(1) Any person who is a producer and a processor of a regulated product is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and a processor.

Producer  
and person  
marketing  
regulated  
product

- (2) Any person who is a producer and a person engaged in marketing a regulated product is entitled in his respective capacities as a producer and as a person engaged in marketing the regulated product to all the rights and privileges and is subject to all the duties and obligations of a producer and a person engaged in marketing the regulated product.

. . . . .

Injunction  
proceedings

- 12a. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or renegotiated agreement or award made under this Act has been or is being committed by any person engaged in marketing or processing a regulated product, the Supreme Court or a judge thereof may, upon the application of the Board or a local board, enjoin any such person from continuing to engage in marketing or processing

Subsection 4. The amendment is for the purpose set out in subsection 3 of section 3.

SECTION 5. The new sections are self-explanatory.

SECTION 6. The maximum penalties for a first and any subsequent offence under the Act are increased.

SECTION 7. The section is re-enacted to extend its application to regulated products the price of which is determined by a local board.

the regulated product absolutely or for such period as seems just, and any injunction cancels the licence, if any, of the person named in the order for the same period.

**6.** Section 13 of *The Farm Products Marketing Act*, as amended by section 9 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 137, s. 13,  
re-enacted

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board or of any agreement or award or renegotiated agreement or award filed with the Board is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000. Offences

**7.** Section 14 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 137, s. 14,  
re-enacted

- 14.—(1) Every person who fails to pay at least the minimum price established for a regulated product in an agreement or award filed with the Board or the price of a regulated product determined by a local board is, in addition to the fine provided for in section 13, liable to a penalty of an amount equal to the amount of such minimum or determined price, less any amount paid by such person as payment in full or in part for such regulated product. Failure  
to pay  
minimum  
price
- (2) Every penalty imposed under subsection 1 shall be paid to the local board and the local board shall, Disposition  
of penalty
- (a) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum or determined price; or
  - (b) use the money to stimulate, increase and improve the marketing of the regulated product.

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1968-69*. Short title

An Act to amend  
The Farm Products Marketing Act

---

*1st Reading*

May 9th, 1969

*2nd Reading*

*3rd Reading*

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MR. STEWART

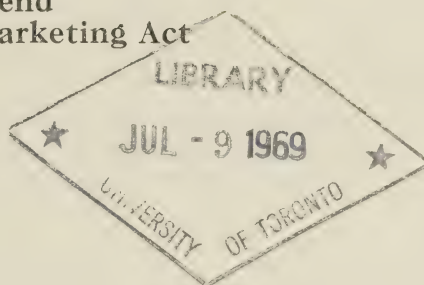
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## BILL 158

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

An Act to amend  
The Farm Products Marketing Act



MR. STEWART



BILL 158

1968-69

## An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by inserting after “product” in the fourth line “including the completing and filing of returns”, so that the clause shall read as follows:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *d*,  
amended

- (*d*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product, including the completing and filing of returns, as the Board or local board determines.

(2) Clause *e* of subsection 1 of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *e*  
(1962-63,  
c. 45, s. 3,  
subs. 2),  
re-enacted

- (*e*) appoint persons to inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing the regulated product.

(3) Subclause *i* of clause *ea* of subsection 1 of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *ea*  
(1962-63,  
c. 45, s. 3,  
subs. 2),  
subcl. *i*,  
re-enacted

- (*i*) the books, records and documents.

(4) Clause *g* of subsection 1 of the said section 4 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
cl. *g*,  
re-enacted

- (g) co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing any regulated product.

R.S.O. 1960,  
c. 137, s. 4,  
subs. 6  
(1965,  
c. 39, s. 2),  
re-enacted

- (5) Subsection 6 of the said section 4, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1965*, is repealed and the following substituted therefor:

Protection  
of board  
members  
and  
employees

- (6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done or omitted to be done by it or by him in good faith in the exercise of any power or the performance of any duty under the authority, or purporting to be under the authority, of this Act or the regulations.

R.S.O. 1960,  
c. 137, s. 6,  
subs. 2  
(1962-63,  
c. 45, s. 5,  
subs. 4),  
amended

- 2.** Subsection 2 of section 6 of *The Farm Products Marketing Act*, as re-enacted by subsection 4 of section 5 of *The Farm Products Marketing Amendment Act, 1962-63*, is amended by inserting after "plan" in the first line "or any regulations", so that the subsection shall read as follows:

Application  
of plan and  
regulations

- (2) A plan or any regulations may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 13,  
amended

- 3.—**(1) Paragraph 13 of subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by inserting after "fees" in the second line "service charges", so that the paragraph shall read as follows:

13. authorizing a local board to use any class of licence fees, service charges and other moneys payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 20  
(1962-63,  
c. 45, s. 6,  
subs. 7),  
re-enacted

- (2) Paragraph 20 of subsection 1 of the said section 8, as re-enacted by subsection 7 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade or size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.

(3) The said section 8, as amended by section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, section 3 of *The Farm Products Marketing Amendment Act, 1965*, section 1 of *The Farm Products Marketing Amendment Act, 1966* and section 3 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (6) Where the Board authorizes a local board to exercise any of the powers mentioned in subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions.
- Authority of local board to make regulations, etc.

4.—(1) Subclause iv of clause *a* of subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by inserting after “producers” in the second line “or to the local board, as the case may be”, so that the subclause shall read as follows:

R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. iv, amended

- (iv) to determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario.

(2) Subclause vii of clause *a* of subsection 1 of the said section 9 is amended by striking out “owing to the producer” in the fourth line, so that the subclause shall read as follows:

R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. vii, amended

- (vii) to collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of the regulated product.

(3) Subclause viii of clause *a* of subsection 1 of the said section 9, as amended by subsection 5 of section 7 of *The Farm Products Marketing Amendment Act, 1962-63*, is further

R.S.O. 1960, c. 137, s. 9, subs. 1, cl. a, subcl. viii, amended

amended by adding at the end thereof "and to sell or otherwise dispose of any of the regulated product so purchased or acquired", so that the subclause shall read as follows:

- (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable and to sell or otherwise dispose of any of the regulated product so purchased or acquired.

R.S.O. 1960,  
c. 137, s. 9,  
amended

(4) The said section 9, as amended by section 7 of *The Farm Products Marketing Amendment Act, 1962-63* and section 4 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Power of  
local board  
to make  
regulations,  
etc.

- (2a) Where the Board vests in a local board any of the powers mentioned in clause *a* or *aa* of subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions.

R.S.O. 1960,  
c. 137,  
amended

5. *The Farm Products Marketing Act* is amended by adding thereto the following sections:

Producer-  
processors

- 10b.—(1) Any person who is a producer and a processor of a regulated product is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and a processor.

Producer  
and person  
marketing  
regulated  
product

- (2) Any person who is a producer and a person engaged in marketing a regulated product is entitled in his respective capacities as a producer and as a person engaged in marketing the regulated product to all the rights and privileges and is subject to all the duties and obligations of a producer and a person engaged in marketing the regulated product.

. . . . .

Injunction  
proceedings

- 12a. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or renegotiated agreement or award made under this Act has been or is being committed by any person engaged in marketing or processing a regulated product, the Supreme Court or a judge thereof may, upon the application of the Board or a local board, enjoin any such person from continuing to engage in marketing or processing

the regulated product absolutely or for such period as seems just, and any injunction cancels the licence, if any, of the person named in the order for the same period.

**6.** Section 13 of *The Farm Products Marketing Act*, as amended by section 9 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 13, re-enacted

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board or of any agreement or award or renegotiated agreement or award filed with the Board is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000. Offences

**7.** Section 14 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 14, re-enacted

- 14.—(1) Every person who fails to pay at least the minimum price established for a regulated product in an agreement or award filed with the Board or the price of a regulated product determined by a local board is, in addition to the fine provided for in section 13, liable to a penalty of an amount equal to the amount of such minimum or determined price, less any amount paid by such person as payment in full or in part for such regulated product. Failure to pay minimum price
- (2) Every penalty imposed under subsection 1 shall be paid to the local board and the local board shall, Disposition of penalty
- (a) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum or determined price; or
  - (b) use the money to stimulate, increase and improve the marketing of the regulated product.

**8.** This Act comes into force on the day it receives Royal Assent. Commencement

**9.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1968-69*. Short title

An Act to amend  
The Farm Products Marketing Act

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*1st Reading*

May 9th, 1969

*2nd Reading*

May 28th, 1969

*3rd Reading*

June 6th, 1969

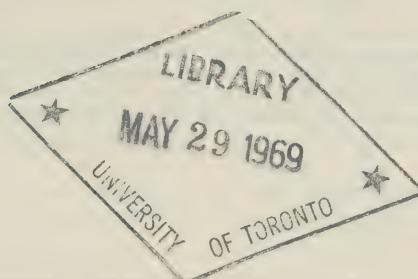
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MR. STEWART

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**BILL 159**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Securities Act, 1966**

MR. ROWNTREE

#### EXPLANATORY NOTES

SECTION 1. The amendments replace the categories of registrants authorized to trade in securities with the term "dealers", and the categories of registrants authorized to advise or counsel reinvestments with the term "adviser". The distinctions within the general term are to be made by regulation. The definition of "official" is deleted as the term is not used in the Act.

SECTIONS 2, 3, 4 and 5. Complementary to section 1.

## BILL 159

1968-69

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Securities Act, 1966*, 1966, c. 142, s. 1, subs. 1, amended as amended by section 1 of *The Securities Amendment Act, 1968*, is further amended by renumbering paragraph 1 as paragraph 1*a* and by adding thereto the following paragraph:

1. “adviser” means a person or company engaging in or holding itself out as engaging in the business of advising others as to the advisability of investing in or buying or selling securities.

(2) Paragraphs 2 and 3 of subsection 1 of the said section 1 1966, c. 142, s. 1, pars. 2, 3, repealed are repealed.

(3) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: 1966, c. 142, s. 1, subs. 1, amended

- 5*a*. “dealer” means a person or company who trades in securities in the capacity of principal or agent.

(4) Paragraphs 10, 11 and 14 of subsection 1 of the said section 1 are repealed. 1966, c. 142, s. 1, subs. 1, pars. 10, 11, 14, repealed

(5) Paragraphs 25 and 26 of subsection 1 of the said section 1 are repealed and the following substituted therefor: 1966, c. 142, s. 1, subs. 1, par. 25, re-enacted; par. 26, repealed

25. “salesman” means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of such dealer.

(6) Paragraphs 28 and 30 of subsection 1 of the said section 1 are repealed. 1966, c. 142, s. 1, subs. 1, pars. 28, 30, repealed

2. Subsection 1, as amended by subsection 1 of section 5 of *The Securities Amendment Act, 1968*, and subsection 2 of section 6 of *The Securities Act, 1966* are repealed and the following substituted therefor: 1966, c. 142, s. 6, subss. 1, 2, re-enacted

Persons and  
companies  
required to  
register for  
trading in  
securities

(1) No person or company shall,

- (a) trade in a security unless such person or company is registered as a dealer, or as a salesman of a registered dealer;
- (b) act as a partner or officer of or on behalf of a person or company in connection with a trade in a security by such person or company unless such person or company is registered for trading in securities;
- (c) act as a salesman of or on behalf of a person or company in connection with a trade in a security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a dealer;
- (d) act as an underwriter unless such person or company is registered as an underwriter, or is a bank to which the *Bank Act* (Canada) applies; or
- (e) act as an adviser unless such person or company is registered as an adviser,

1966-67,  
c. 87 (Can )

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Persons  
who may  
act as  
registrant

- (2) No person shall act as a dealer, adviser or underwriter for or on behalf of a person or company that is registered as a dealer, adviser or underwriter except such partners or officers thereof as are designated by the Director.

1966,  
c. 142, s. 14,  
subs. 1,  
amended

**3.—**(1) Subsection 1 of section 14 of *The Securities Act, 1966* is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser” in the sixth, seventh and eighth lines and inserting in lieu thereof “dealer, adviser, underwriter”.

1966,  
c. 142, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel,

securities adviser" in the seventh, eighth and ninth lines and inserting in lieu thereof "dealer, adviser, underwriter".

4.—(1) Subsection 1 of section 15 of *The Securities Act, 1966*,<sup>1966, c. 142, s. 15, subs. 1, amended</sup> as amended by subsection 1 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "broker, investment dealer and broker-dealer" in the first and second lines and inserting in lieu thereof "dealer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Every registered dealer shall, within five days of the event, notify the Director in writing of,<sup>Where Director to be notified</sup>

. . . . .

(2) Subsection 2 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 2, repealed</sup> subsections 2 and 3 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

(3) Subsection 3 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 3, amended</sup> subsection 4 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "investment counsel, securities adviser" in the first line and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

- (3) Every registered adviser and underwriter shall,<sup>Idem</sup> within five days of the event, notify the Director in writing of,

. . . . .

(4) Subsection 5 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 5, repealed</sup> subsection 6 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

5.—(1) Section 18 of *The Securities Act, 1966* is amended<sup>1966, c. 142, s. 18, amended</sup> by striking out "investment counsel or securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

18. Registration as an adviser is not required to be obtained by,<sup>Exemptions from registration as adviser:</sup>

. . . . .

(2) Clause *d* of the said section 18 is amended by striking out "investment counsel or securities adviser" in the fifth and sixth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

certain  
publishers

- (d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or

1966,  
c. 142, s. 43,  
subs. 1,  
amended

**6.** Subsection 1 of section 43 of *The Securities Act, 1966* is amended by adding at the commencement thereof "Subject to the regulations made under clause *aa* of section 144", so that the subsection, exclusive of the paragraphs, shall read as follows:

Financial  
statements

- (1) Subject to the regulations made under clause *aa* of section 144, a prospectus shall contain the following financial statements:

1966,  
c. 142, s. 71,  
amended

**7.** Section 71 of *The Securities Act, 1966* is amended by striking out "investment counsel and securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the section, exclusive of the clauses, shall read as follows:

Disclosure  
of financial  
interest by  
adviser

71. Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

1966, c. 142,  
s. 137,  
subs. 2,  
amended

**8.—(1)** Subsection 2 of section 137 of *The Securities Act, 1966* is amended by inserting after "proceedings" in the first line "in a court", so that the subsection shall read as follows:

SECTION 6. The amendment makes it possible for certain mining development companies to file modified financial statements with their prospectuses or be relieved from the requirements, as prescribed by the regulations.

SECTION 7. Complementary to section 1.

SECTION 8. The limitation period for proceedings of the Commission is extended from one to two years.

SECTION 9. The new provision provides for review of and appeals from decisions of a stock exchange affecting any person.

SECTION 10. The authority to make regulations is amended, complementary to sections 1 and 6 of the Bill and ensures the continued recognition of self-regulatory bodies. The new clause *da* removes doubt as to the scope of clause *d*.

- (2) No proceedings in a court under this Act shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Time limitation</sup>

(2) The said section 137 is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 137, amended</sup>

- (3) No proceedings, other than in a court, under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Idem</sup>

**9.** Section 139 of *The Securities Act, 1966* is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 139, amended</sup>

- (3) Any person who feels aggrieved by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 28 applies to the hearing and review in the same manner as to the hearing and review of a direction, decision, order or ruling of the Director. <sup>Review of decisions of stock exchange</sup>

**10.**—(1) Section 144 of *The Securities Act, 1966*, as amended by section 3 of *The Securities Amendment Act, 1967*, is further amended by adding thereto the following clauses: <sup>1966, c. 142, s. 144, amended</sup>

- (aa) prescribing the content of the financial statement to be contained with the prospectuses of mining exploration companies or any category thereof in lieu of the financial statement required by section 43 or exempting any category from the application of section 43;

- (ba) classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,

(i) investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,

(ii) broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,

(iii) broker-dealer, unless he is a member of the Broker Dealers' Association of Ontario;

(da) regulating the trading of securities other than on a stock exchange recognized by the Commission.

1966, c. 142,  
s. 144, cl. f,  
amended

(2) Clause *f* of the said section 144 is amended by striking out "investment counsel or securities adviser" in the third and fourth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

(f) designating any person or company or any class of persons or companies that shall not be required to obtain registration as adviser.

Commence-  
ment

**11.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4, 5, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**12.** This Act may be cited as *The Securities Amendment Act, 1968-69*.



An Act to amend  
The Securities Act, 1966

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*1st Reading*

May 13th, 1969

*2nd Reading*

*3rd Reading*

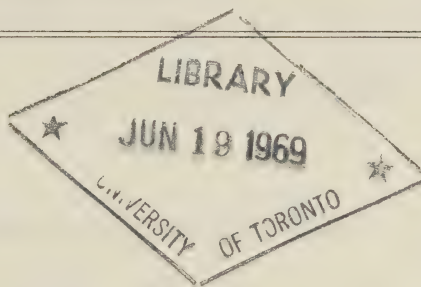
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MR. ROWNTREE

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**BILL 159**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Securities Act, 1966**

MR. ROWNTREE

*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTES

SECTION 1. The amendments replace the categories of registrants authorized to trade in securities with the term "dealers", and the categories of registrants authorized to advise or counsel reinvestments with the term "adviser". The distinctions within the general term are to be made by regulation. The definition of "official" is deleted as the term is not used in the Act.

SECTIONS 2, 3, 4 and 5. Complementary to section 1.

BILL 159

1968-69

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Securities Act, 1966*, <sup>1966, c. 142, s. 1, subs. 1, amended</sup> as amended by section 1 of *The Securities Amendment Act, 1968*, is further amended by renumbering paragraph 1 as paragraph 1a and by adding thereto the following paragraph:

1. "adviser" means a person or company engaging in or holding itself out as engaging in the business of advising others as to the advisability of investing in or buying or selling securities.

(2) Paragraphs 2 and 3 of subsection 1 of the said section 1 <sup>1966, c. 142, s. 1, par. 2, 3, repealed</sup> are repealed.

(3) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: <sup>1966, c. 142, s. 1, subs. 1, amended</sup>

- 5a. "dealer" means a person or company who trades in securities in the capacity of principal or agent.

(4) Paragraphs 10, 11 and 14 of subsection 1 of the said section 1 are repealed. <sup>1966, c. 142, s. 1, subs. 1, par. 10, 11, 14, repealed</sup>

(5) Paragraphs 25 and 26 of subsection 1 of the said section 1 are repealed and the following substituted therefor: <sup>1966, c. 142, s. 1, subs. 1, par. 25, re-enacted; par. 26, repealed</sup>

25. "salesman" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of such dealer.

(6) Paragraphs 28 and 30 of subsection 1 of the said section 1 are repealed. <sup>1966, c. 142, s. 1, subs. 1, par. 28, 30, repealed</sup>

2. Subsection 1, as amended by subsection 1 of section 5 of *The Securities Amendment Act, 1968*, and subsection 2 of section 6 of *The Securities Act, 1966* are repealed and the following substituted therefor: <sup>1966, c. 142, s. 6, subs. 1, 2, re-enacted</sup>

Persons and  
companies  
required to  
register for  
trading in  
securities

(1) No person or company shall,

- (a) trade in a security unless such person or company is registered as a dealer, or as a salesman of a registered dealer;
- (b) act as a partner or officer of or on behalf of a person or company in connection with a trade in a security by such person or company unless such person or company is registered for trading in securities;
- (c) act as a salesman of or on behalf of a person or company in connection with a trade in a security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a dealer;
- (d) act as an underwriter unless such person or company is registered as an underwriter, or is a bank to which the *Bank Act* (Canada) applies; or
- (e) act as an adviser unless such person or company is registered as an adviser,

1966-67,  
c. 87 (Can.)

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Persons  
who may  
act as  
registrant

- (2) No person shall act as a dealer, adviser or underwriter for or on behalf of a person or company that is registered as a dealer, adviser or underwriter except such partners or officers thereof as are designated by the Director.

1966,  
c. 142, s. 14,  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 14 of *The Securities Act, 1966* is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser” in the sixth, seventh and eighth lines and inserting in lieu thereof “dealer, adviser, underwriter”.

1966,  
c. 142, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel,

securities adviser" in the seventh, eighth and ninth lines and inserting in lieu thereof "dealer, adviser, underwriter".

4.—(1) Subsection 1 of section 15 of *The Securities Act*,<sup>1966, c. 142, s. 15, subs. 1, amended</sup> 1966, as amended by subsection 1 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "broker, investment dealer and broker-dealer" in the first and second lines and inserting in lieu thereof "dealer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Every registered dealer shall, within five days of the event, notify the Director in writing of, <sup>Where Director to be notified</sup>

. . . . .

(2) Subsection 2 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 2, repealed</sup> subsections 2 and 3 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

(3) Subsection 3 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 3, amended</sup> subsection 4 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "investment counsel, securities adviser" in the first line and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

- (3) Every registered adviser and underwriter shall, <sup>Idem</sup> within five days of the event, notify the Director in writing of,

. . . . .

(4) Subsection 5 of the said section 15, as amended by<sup>1966, c. 142, s. 15, subs. 5, repealed</sup> subsection 6 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

5.—(1) Section 18 of *The Securities Act, 1966* is amended<sup>1966, c. 142, s. 18, amended</sup> by striking out "investment counsel or securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

18. Registration as an adviser is not required to be<sup>Exemptions from registration as adviser:</sup> obtained by,

. . . . .

(2) Clause *d* of the said section 18 is amended by striking<sup>1966, c. 142, s. 18, cl. d, amended</sup> out "investment counsel or securities adviser" in the fifth and sixth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

certain  
publishers

- (d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or

. . . . .

1966,  
c. 142, s. 43,  
subs. 1,  
amended

**6.** Subsection 1 of section 43 of *The Securities Act, 1966* is amended by adding at the commencement thereof "Subject to the regulations made under clause *aa* of section 144", so that the subsection, exclusive of the paragraphs, shall read as follows:

Financial  
statements

- (1) Subject to the regulations made under clause *aa* of section 144, a prospectus shall contain the following financial statements:

. . . . .

1966,  
c. 142, s. 71,  
amended

**7.** Section 71 of *The Securities Act, 1966* is amended by striking out "investment counsel and securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the section, exclusive of the clauses, shall read as follows:

Disclosure  
of financial  
interest by  
adviser

71. Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

. . . . .

1966, c. 142,  
s. 137,  
subs. 2,  
amended

**8.—**(1) Subsection 2 of section 137 of *The Securities Act, 1966* is amended by inserting after "proceedings" in the first line "in a court", so that the subsection shall read as follows:

SECTION 6. The amendment makes it possible for certain mining development companies to file modified financial statements with their prospectuses or be relieved from the requirements, as prescribed by the regulations.

SECTION 7. Complementary to section 1.

SECTION 8. The limitation period for proceedings of the Commission is extended from one to two years.

SECTION 9. The new provision provides for review of and appeals from decisions of a stock exchange affecting any person.

SECTION 10. The authority to make regulations is amended, complementary to sections 1 and 6 of the Bill and ensures the continued recognition of self-regulatory bodies. The new clause *da* removes doubt as to the scope of clause *d*.

- (2) No proceedings in a court under this Act shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Time limitation</sup>

(2) The said section 137 is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 137, amended</sup>

- (3) No proceedings, other than in a court, under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Idem</sup>

**9.** Section 139 of *The Securities Act, 1966* is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 139, amended</sup>

- (3) Any person or company who feels aggrieved by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 28 applies to the hearing and review in the same manner as to the hearing and review of a direction, decision, order or ruling of the Director. <sup>Review of decisions of stock exchange</sup>

**10.**—(1) Section 144 of *The Securities Act, 1966*, as amended by section 3 of *The Securities Amendment Act, 1967*, is further amended by adding thereto the following clauses: <sup>1966, c. 142 s. 144, amended</sup>

- (aa) prescribing the content of the financial statement to be contained with the prospectuses of mining exploration companies or any category thereof in lieu of the financial statement required by section 43 or exempting any category from the application of section 43;

. . . . .

- (ba) classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,

- (i) investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,

- (ii) broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,

- (iii) broker-dealer, unless he is a member of the Broker Dealers' Association of Ontario;

. . . . .

- (da) regulating the trading of securities other than on a stock exchange recognized by the Commission.

1966, c. 142,  
s. 144, cl. f,  
amended

- (2) Clause *f* of the said section 144 is amended by striking out "investment counsel or securities adviser" in the third and fourth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

- (f) designating any person or company or any class of persons or companies that shall not be required to obtain registration as adviser.

Commence-  
ment

- 11.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1, 2, 3, 4, 5, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 12.** This Act may be cited as *The Securities Amendment Act, 1968-69*.



An Act to amend  
The Securities Act, 1966

---

*1st Reading*

May 13th, 1969

*2nd Reading*

May 26th, 1969

*3rd Reading*

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MR. ROWNTREE

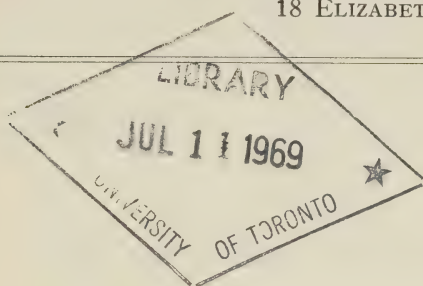
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(Reprinted as amended by  
the Legal and Municipal Committee)

## BILL 159

G. 10000

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend The Securities Act, 1966

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 159

1968-69

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Securities Act, 1966*, <sup>1966, c. 142, s. 1, subs. 1, amended</sup> as amended by section 1 of *The Securities Amendment Act, 1968*, is further amended by renumbering paragraph 1 as paragraph 1*a* and by adding thereto the following paragraph:

1. “adviser” means a person or company engaging in or holding itself out as engaging in the business of advising others as to the advisability of investing in or buying or selling securities.

(2) Paragraphs 2 and 3 of subsection 1 of the said section 1 <sup>1966, c. 142, s. 1, subs. 1, par. 2, 3, repealed</sup> are repealed.

(3) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: <sup>1966, c. 142, s. 1, subs. 1, amended</sup>

5*a*. “dealer” means a person or company who trades in securities in the capacity of principal or agent.

(4) Paragraphs 10, 11 and 14 of subsection 1 of the said section 1 <sup>1966, c. 142, s. 1, subs. 1, par. 10, 11, 14, repealed</sup> are repealed.

(5) Paragraphs 25 and 26 of subsection 1 of the said section 1 <sup>1966, c. 142, s. 1, subs. 1, par. 25, re-enacted; par. 26, repealed</sup> are repealed and the following substituted therefor:

25. “salesman” means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of such dealer.

(6) Paragraphs 28 and 30 of subsection 1 of the said section 1 <sup>1966, c. 142, s. 1, subs. 1, par. 28, 30, repealed</sup> are repealed.

2. Subsection 1, as amended by subsection 1 of section 5 <sup>1966, c. 142, s. 6, subss. 1, 2, re-enacted</sup> of *The Securities Amendment Act, 1968*, and subsection 2 of section 6 of *The Securities Act, 1966* are repealed and the following substituted therefor:

Persons and  
companies  
required to  
register for  
trading in  
securities

(1) No person or company shall,

- (a) trade in a security unless such person or company is registered as a dealer, or as a salesman of a registered dealer;
- (b) act as a partner or officer of or on behalf of a person or company in connection with a trade in a security by such person or company unless such person or company is registered for trading in securities;
- (c) act as a salesman of or on behalf of a person or company in connection with a trade in a security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a dealer;
- (d) act as an underwriter unless such person or company is registered as an underwriter, or is a bank to which the *Bank Act* (Canada) applies; or
- (e) act as an adviser unless such person or company is registered as an adviser,

1966-67,  
c. 87 (Can.)

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Persons  
who may  
act as  
registrant

- (2) No person shall act as a dealer, adviser or underwriter for or on behalf of a person or company that is registered as a dealer, adviser or underwriter except such partners or officers thereof as are designated by the Director.

1966,  
c. 142, s. 14,  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 14 of *The Securities Act, 1966* is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser” in the sixth, seventh and eighth lines and inserting in lieu thereof “dealer, adviser, underwriter”.

1966,  
c. 142, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out “broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel,

securities adviser" in the seventh, eighth and ninth lines and inserting in lieu thereof "dealer, adviser, underwriter".

4.—(1) Subsection 1 of section 15 of *The Securities Act, 1966*, as amended by subsection 1 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "broker, investment dealer and broker-dealer" in the first and second lines and inserting in lieu thereof "dealer", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) Every registered dealer shall, within five days of the event, notify the Director in writing of,
- Where  
Director  
to be  
notified

(2) Subsection 2 of the said section 15, as amended by subsections 2 and 3 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

(3) Subsection 3 of the said section 15, as amended by subsection 4 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "investment counsel, securities adviser" in the first line and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

- (3) Every registered adviser and underwriter shall, within five days of the event, notify the Director in writing of,
- Idem

(4) Subsection 5 of the said section 15, as amended by subsection 6 of section 7 of *The Securities Amendment Act, 1968*, is repealed.

5.—(1) Section 18 of *The Securities Act, 1966* is amended by striking out "investment counsel or securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows:

18. Registration as an adviser is not required to be obtained by,
- Exemptions  
from reg-  
istration  
as adviser:

(2) Clause *d* of the said section 18 is amended by striking out "investment counsel or securities adviser" in the fifth and sixth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

certain  
publishers

- (d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or

1966,  
c. 142, s. 43,  
subs. 1,  
amended

6. Subsection 1 of section 43 of *The Securities Act, 1966* is amended by adding at the commencement thereof "Subject to the regulations made under clause *aa* of section 144", so that the subsection, exclusive of the paragraphs, shall read as follows:

Financial  
statements

- (1) Subject to the regulations made under clause *aa* of section 144, a prospectus shall contain the following financial statements:

1966,  
c. 142, s. 71,  
amended

7. Section 71 of *The Securities Act, 1966* is amended by striking out "investment counsel and securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the section, exclusive of the clauses, shall read as follows:

Disclosure  
of financial  
interest by  
adviser

71. Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

1966, c. 142,  
s. 137,  
subs. 2,  
amended

8.—(1) Subsection 2 of section 137 of *The Securities Act, 1966* is amended by inserting after "proceedings" in the first line "in a court", so that the subsection shall read as follows:

- (2) No proceedings in a court under this Act shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Time limitation</sup>

(2) The said section 137 is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 137, amended</sup>

- (3) No proceedings, other than in a court, under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission. <sup>Idem</sup>

**9.** Section 139 of *The Securities Act, 1966* is amended by adding thereto the following subsection: <sup>1966, c. 142, s. 139, amended</sup>

- (3) Any person or company who feels aggrieved by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 28 applies to the hearing and review in the same manner as to the hearing and review of a direction, decision, order or ruling of the Director. <sup>Review of decisions of stock exchange</sup>

**10.**—(1) Section 144 of *The Securities Act, 1966*, as amended by section 3 of *The Securities Amendment Act, 1967*, is further amended by adding thereto the following clauses: <sup>1966, c. 142 s. 144, amended</sup>

- (aa) prescribing the content of the financial statement to be contained with the prospectuses of mining exploration companies or any category thereof in lieu of the financial statement required by section 43 or exempting any category from the application of section 43;

. . . . .

- (ba) classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,
- (i) investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,
  - (ii) broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,

(iii) broker-dealer, unless he is a member of the  
Broker Dealers' Association of Ontario;

(da) regulating the trading of securities other than on  
a stock exchange recognized by the Commission.

1966, c. 142,  
s. 144, cl. f.  
amended

(2) Clause *f* of the said section 144 is amended by striking  
out "investment counsel or securities adviser" in the third  
and fourth lines and inserting in lieu thereof "adviser", so  
that the clause shall read as follows:

(f) designating any person or company or any class of  
persons or companies that shall not be required to  
obtain registration as adviser.

Commence-  
ment

**11.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6 and 7,  
comes into force on the day it receives Royal Assent.

*Idem*

(2) Sections 1, 2, 3, 4, 5, 6 and 7 come into force on a day  
to be named by the Lieutenant Governor by his proclamation.

Short title

**12.** This Act may be cited as *The Securities Amendment  
Act, 1968-69*.







An Act to amend  
The Securities Act, 1966

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*1st Reading*

May 13th, 1969

*2nd Reading*

May 26th, 1969

*3rd Reading*

June 18th, 1969

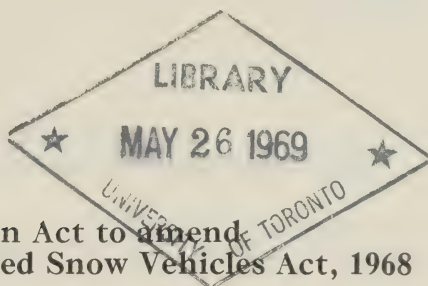
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MR. ROWNTREE

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## BILL 160

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



An Act to amend  
The Motorized Snow Vehicles Act, 1968

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

Self-explanatory.

BILL 160

1968-69

## An Act to amend The Motorized Snow Vehicles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Motorized Snow Vehicles Act, 1968* is amended by <sup>1968, c. 75, amended</sup> adding thereto the following section:

9a. No person shall, while driving or riding on a motorized snow vehicle, <sup>Firearms or bows, pursuing a deer or bear</sup>

(a) have in his possession,

(i) any firearm unless it is unloaded and encased, or

(ii) any bow unless it is unstrung or encased; or

(b) drive or pursue any deer or bear.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

3. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1968-69*. <sup>Short title</sup>

An Act to amend  
The Motorized Snow Vehicles Act, 1968

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*1st Reading*

May 13th, 1969

*2nd Reading*

*3rd Reading*

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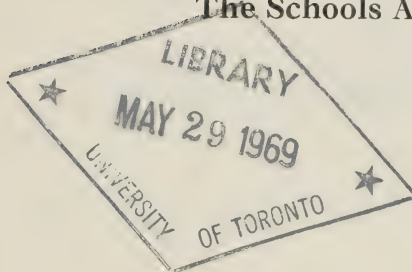
MR. SHULMAN

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## BILL 161

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

### An Act to amend The Schools Administration Act



MR. PITMAN

#### EXPLANATORY NOTE

The Bill removes the prohibition against the use in schools of any text-book not approved by the Minister of Education or by the regulations made under *The Department of Education Act*.

BILL 161

1968-69

**An Act to amend  
The Schools Administration Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Schools Administration Act* is repealed. R.S.O. 1960,  
c. 361, s. 20,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Schools Administration Amendment Act, 1968-69*. Short title

An Act to amend  
The Schools Administration Act

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*1st Reading*

May 15th, 1969

*2nd Reading*

*3rd Reading*

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MR. PITMAN

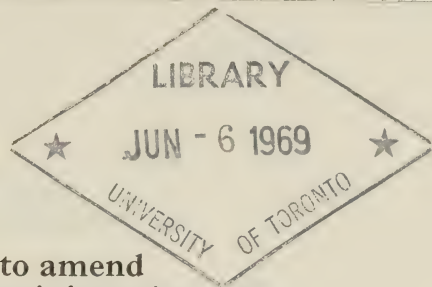
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Government  
Publications

## BILL 162

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



### An Act to amend The Schools Administration Act

MR. REID (Scarborough East)

#### EXPLANATORY NOTE

The amendment provides for Indian representation on those School Boards which have entered into an agreement with the Crown in right of Canada to provide accommodation and tuition for Indian pupils in return for fees, such appointment being required if the Council(s) of the Indian band(s) designates a representative. The amendment transfers the power of discretion of such representation away from the school board to the Indian band Council(s).

BILL 162

1968-69

## An Act to amend The Schools Administration Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 35c of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

- (3) Where a board has entered into an agreement under this section, the board, on the recommendation of the council (or councils) of the Indian band (or bands) concerned, shall appoint the person so designated and the person so appointed has all the powers and duties of a member of the board as though he were eligible and duly elected as a member of the board. If no recommendation is made by the council (or councils) of the Indian band (or bands) concerned, no appointment shall be made.

**2.** This Act comes into force on the 1st day of September, 1969.

**3.** This Act may be cited as *The Schools Administration Amendment Act, 1968-69*.

An Act to amend  
The Schools Administration Act

*1st Reading*

May 21st, 1969

*2nd Reading*

*3rd Reading*

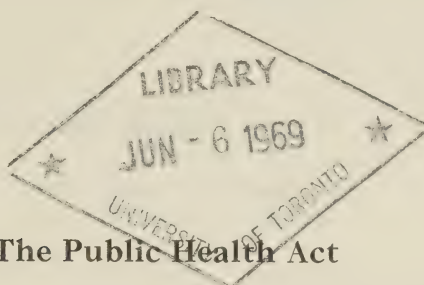
MR. REID (Scarborough East)

## BILL 163

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Public Health Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill requires cigarette packages to bear a warning label and requires cigarette advertisements to include the warning as well as a statement of the tar and nicotine content of the cigarettes being advertised.

BILL 163

1968-69

## An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 321,  
amended

## LABELLING, ETC., OF CIGARETTES

- 55c.—(1) No person shall package for sale, sell or offer for sale in Ontario cigarettes that do not bear the words “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases” legibly and conspicuously displayed on the outer surface of the package in which the cigarettes are contained.
- (2) No person shall publish or display or cause to be published or displayed or disseminate or cause to be disseminated in any other manner any advertisement intended to induce, directly or indirectly, the purchase of any cigarettes unless there is included as part of the advertisement,
- (a) the statement “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases”; and
- (b) a statement setting forth the average tar and nicotine yield per cigarette of the cigarettes referred to in the advertisement.
- (3) The average tar and nicotine yield mentioned in clause *b* of subsection 2 shall be determined by a method approved by the Minister.

Cigarette  
package  
to bear  
warning

Cigarette  
advertis-  
ement to  
include  
warning  
and tar and  
nicotine  
content

Approval by  
Minister

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Public Health Amendment Act, 1968-69*.







An Act to amend The Public Health Act

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*1st Reading*

May 26th, 1969

*2nd Reading*

*3rd Reading*

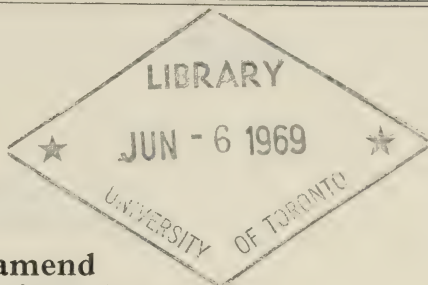
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MR. SHULMAN

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**BILL 164**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend  
The Schools Administration Act**

MR. REID (Scarborough East)

#### EXPLANATORY NOTE

The amendment establishes a Teacher Transfer Review Board to provide due process of appeal to a teacher (a) who is transferred by a school board from one school to another in the board's jurisdiction and (b) who judges such transfer to be unnecessary and to work undue hardship on himself.

BILL 164

1968-69

## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following Part:

### PART XII

#### TEACHER TRANSFER REVIEW BOARD

110.—(1) The transfer of a teacher by a board from one school to another shall be by notice in writing, which shall state the reasons therefor.

(2) Such transfer of a teacher by a board from one school to another shall be necessary and not work an undue hardship on the teacher.

(3) Notwithstanding anything in this or any other Act or Regulation, where a teacher is transferred, the teacher, if not in agreement with the transfer, may at any time within five days after receiving the notice referred to in subsection (1), apply in writing by registered letter to the chairman of the board for a Transfer Review Board, stating the disagreement.

111.—(1) A board shall not make a permanent appointment to take the place of a teacher who is transferred in a manner not agreeable to the teacher until,

(a) the time prescribed for applying for a Transfer Review Board has elapsed and the teacher has not applied for a Transfer Review Board; or

- (b) the board has received from the teacher notice in writing that no application will be made under section 1; or
- (c) the board has received from the teacher notice in writing that application made by the teacher under section 1 has been withdrawn, whichever first occurs.

112.—(1) The teacher and the chairman of the board shall each appoint within eight days of the receipt of the application a member to the Transfer Review Board.

- (2) The two members appointed shall name within fifteen days of the receipt of the application a member who shall be the chairman of the board.
- (3) Failure of either party to appoint a member to the board shall render the notice of transfer or the application of the party failing to make an appointment null and void.
- (4) In the event that the appointees are unable to agree on the nomination of a chairman of the board they shall notify immediately the Regional Superintendent of Schools who shall appoint within twenty days of receipt of the application a chairman of the board.

113.—(1) The Transfer Review Board within seven days shall inquire into the facts relating to the disagreement and if it finds that the proposed transfer of the teacher is not necessary having regard to all the circumstances or that it would work undue hardship on the teacher, it shall have power to direct that the transfer be rescinded or to make such recommendations as it deems advisable.

- (2) The Transfer Review Board shall send copies of its direction or recommendations to the board and to the teacher within seven days after completing its inquiry.
- (3) The direction or recommendations of a majority of the Transfer Review Board shall be binding upon both parties.

114. Subject to the regulations made under section 33, the chairman of the Transfer Review Board shall determine and direct the costs to be paid by either

or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court.

115.—(1) The Lieutenant Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Transfer Review Boards and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Transfer Review Board;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) This Act comes into force when it has received Royal Assent.

(3) This Act may be cited as *The Teachers' Transfer Review Board Amendment Act, 1969*.





An Act to amend  
The Schools Administration Act

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*1st Reading*

May 26th, 1969

*2nd Reading*

*3rd Reading*

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MR. REID (Scarborough East)

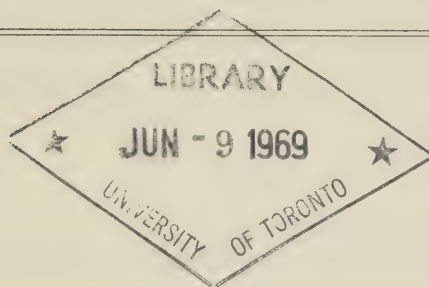
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## BILL 165

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

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MR. PITMAN

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#### EXPLANATORY NOTE

The Bill removes the prohibition against an employee of a board of education in Metropolitan Toronto or of the Metropolitan Toronto School Board becoming a member of any board of education in the Metropolitan Area.

BILL 165

1968-69

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 127 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is repealed. R.S.O. 1960,  
c. 260,  
s. 127  
(1966,  
c. 96, s. 12),  
subs. 5,  
repealed

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1968-69*. Short title

An Act to amend The Municipality of  
Metropolitan Toronto Act

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*1st Reading*

May 26th, 1969

*2nd Reading*

*3rd Reading*

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MR. PITMAN

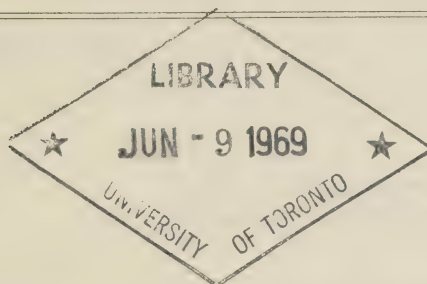
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## BILL 166

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend  
The Schools Administration Act**

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MR. PITMAN

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#### EXPLANATORY NOTE

The Bill provides for a Transfer Review Board empowered to inquire into and determine any dispute between a teacher and a divisional board of education arising out of the transfer of the teacher by the board from one school to another within the division.

BILL 166

1968-69

## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 361,  
amended

- 33a.—(1) The transfer of a teacher by a divisional board of education from one school to another shall be by notice in writing, which shall state the reasons therefor. Transfer of  
teacher by  
divisional  
board
- (2) The teacher, if not in agreement with the transfer, may at any time within five days after receiving the notice, notify in writing the chairman of the divisional board of education that he requires a Transfer Review Board. Require-  
ment of  
board
- (3) The teacher and the chairman of the divisional board of education shall each, within eight days of the receipt of the notice under subsection 2, appoint a member to the Transfer Review Board. Naming of  
represent-  
atives
- (4) The two members appointed shall, within fifteen days of the receipt of the notice under subsection 2, name a member who shall be the chairman of the Transfer Review Board. Naming of  
chairman
- (5) In the event that the appointees are unable to agree on a chairman, they shall notify immediately the Minister who shall appoint a chairman at his earliest convenience. Appoint-  
ment of  
chairman  
by Minister
- (6) The Transfer Review Board shall inquire into the matter and bring down its decision and make it known to both parties within fifteen days of the appointment of the chairman. Decision of  
Transfer  
Review  
Board

Decision  
binding

(7) The decision of the Transfer Review Board is binding upon both parties.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Schools Administration Amendment Act, 1968-69*.







An Act to amend  
The Schools Administration Act

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*1st Reading*

May 26th, 1969

*2nd Reading*

*3rd Reading*

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MR. PITMAN

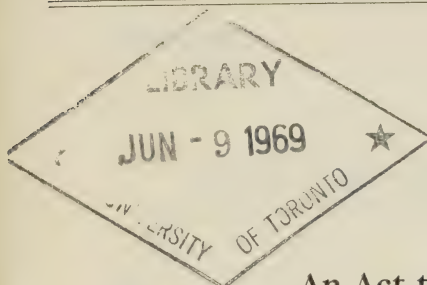
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356

**BILL 167**

Government  
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to govern, license and  
regulate the Operation of Rainmaking Equipment**

MR. FERRIER

#### EXPLANATORY NOTE

The Bill provides for the licensing of rainmaking equipment and imposes penalties for owning, installing, operating or possessing such equipment without being the holder of the appropriate licence from the Minister of Energy and Resources Management.

BILL 167

1968-69

## An Act to govern, license and regulate the Operation of Rainmaking Equipment

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "rainmaking equipment" means any machine, device, installation or other apparatus designed or intended for, or represented as being capable of the artificial production of rainfall.

**2.** No person shall own, establish, install, operate or have in his possession any rainmaking equipment unless he is the holder of a licence therefor issued by the Minister.

Licence  
required

**3.** Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

Regulations

- (a) prescribing the fees to be paid for licences;
- (b) prescribing the form and manner in which applications for licences are to be made;
- (c) classifying and prescribing the type of rainmaking equipment that may be licensed;
- (d) defining the different kinds of licences that may be issued, their respective forms and the several periods for which they shall continue in force;
- (e) prescribing conditions and restrictions to which the several licences shall respectively be subject;

(f) providing for the inspection of rainmaking equipment;

(g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence      **4.—**(1) Every person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Idem          (2) Every person who contravenes any of the provisions of a regulation made under section 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both.

Evidence      (3) In prosecutions under this Act, where any person is proved to be the owner, tenant, or person in control of the premises, place, vehicle or aircraft where any rainmaking equipment is found, the onus is upon the person charged to prove that he did not establish, install, operate or have in his possession the rainmaking equipment.

Forfeiture    (4) Where any person is convicted on a prosecution under this Act, the rainmaking equipment in respect of which the offence was committed and any movable property used in connection therewith becomes the property of the Crown in right of Ontario and may be disposed of by the Minister.

Act binds the Crown      **5.** This Act binds the Crown.

Commencement      **6.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title      **7.** This Act may be cited as *The Rainmaking Equipment Act, 1968-69*.







An Act to govern, license and regulate  
the Operation of Rainmaking Equipment

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*1st Reading*

May 27th, 1969

*2nd Reading*

*3rd Reading*

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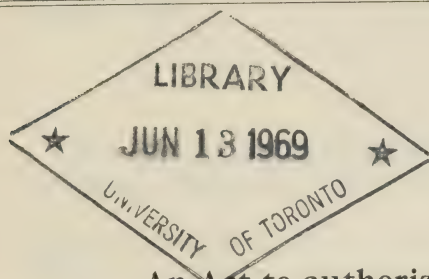
MR. FERRIER

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## BILL 168

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue Fund**

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 168

1968-69

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby <sup>Loans up to \$425,000,000</sup> authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds or securities issued and sold under the authority of *The Financial Administration Act* <sup>R.S.O. 1960, c. 142</sup> for the purpose of such payment, shall not exceed in the aggregate \$425,000,000.

(2) The sum or sums of money authorized to be raised by <sup>Idem</sup> subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

**2.** Any such sum or sums may be raised in any manner <sup>Idem</sup> provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1968-69*.







An Act to authorize the Raising of Money  
on the Credit of the Consolidated  
Revenue Fund

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*1st Reading*

June 3rd, 1969

*2nd Reading*

*3rd Reading*

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MR. MACNAUGHTON

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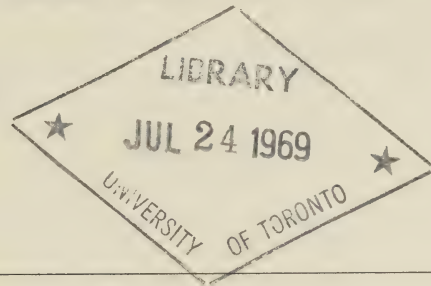
**BILL 168**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue Fund**



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MR. MACNAUGHTON

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TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 168

1968-69

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby <sup>Loans up to \$425,000,000</sup> authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* <sup>R.S.O. 1960, c. 142</sup> for the purpose of such payment, shall not exceed in the aggregate \$425,000,000.

(2) The sum or sums of money authorized to be raised by <sup>Idem</sup> subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

**2.** Any such sum or sums may be raised in any manner <sup>Idem</sup> provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1968-69*.







An Act to authorize the Raising of Money  
on the Credit of the Consolidated  
Revenue Fund

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*1st Reading*

June 3rd, 1969

*2nd Reading*

June 19th, 1969

*3rd Reading*

June 27th, 1969

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MR. MACNAUGHTON

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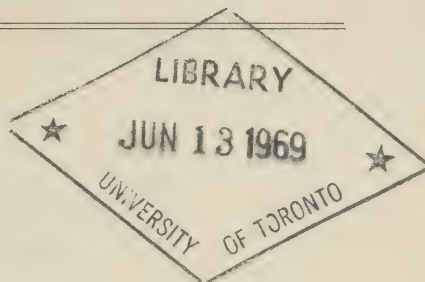
## BILL 169

56

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to regulate the Operation of Aircraft over Ontario and  
to investigate the Effect and Consequences of Sonic Booms**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The purpose of this Bill is:

1. To prohibit the creation of sonic booms by aircraft while flying over Ontario airspace.
2. To provide for a complete study and investigation by the Minister of Health into the effects on persons and property of sonic booms.

BILL 169

1968-69

## An Act to regulate the Operation of Aircraft over Ontario and to investigate the Effect and Consequences of Sonic Booms

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Minister" means the Minister of Health. <sup>Interpre-</sup>  
tation

**2.** Subject to section 3, no person shall operate an aircraft <sup>Sonic booms</sup>  
over Ontario in such manner as to penetrate the sound barrier <sup>by aircraft</sup>  
and create a sonic boom. <sup>prohibited</sup>

**3.** Section 2 does not apply to a person operating an <sup>Saving</sup>  
aircraft,

(a) in the course of his duties as a member of any  
branch of the armed forces of Canada; or

(b) while engaged in the investigation and study referred  
to in section 4.

**4.—(1)** The Minister shall conduct a full and complete <sup>Investiga-</sup>  
investigation and study into the effect of sonic booms, for <sup>tion and</sup>  
the purpose of determining what exposures, in amount and <sup>study</sup>  
frequency, to sonic booms is or may be detrimental to the  
health and welfare of persons resident in Ontario or detrimen-  
tal to the preservation of natural beauty and historic shrines  
in Ontario.

(2) The investigation mentioned in subsection 1 shall <sup>What</sup>  
include a study of the startle effect and the physiological <sup>investiga-</sup>  
and psychological problems that may result from exposure <sup>tion to</sup>  
to sonic booms. <sup>include</sup>

**5.—(1)** The Minister shall,

(a) on or before the expiration of one year from the day <sup>Report of</sup>  
this Act comes into force, lay before the Assembly <sup>Minister</sup>

an interim report of his findings under the study and investigation, together with the written comments of any persons or officials consulted; and

- (b) on or before the expiration of two years from the day this Act comes into force, lay before the Assembly a final report of his findings under the study and investigation.

Offence

**6.** Any person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Sonic Boom Investigation and Control Act, 1968-69*.







An Act to regulate the Operation of  
Aircraft over Ontario and to investigate  
the Effect and Consequences  
of Sonic Booms

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*1st Reading*

June 3rd, 1969

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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**BILL 170**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act to amend The Department of Financial  
and Commercial Affairs Act, 1966**

MR. ROWNTREE

## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.

SECTION 2. The amendment establishes The Commercial Registration Appeal Tribunal for the purpose of holding all the hearings concerning registrations under the Acts administered by the Department.

The amendment also provides for protection from civil liability of senior officers of the Department who are responsible for supervising business practices, advising consumers and dealing with their complaints.

BILL 170

1968-69

## An Act to amend The Department of Financial and Commercial Affairs Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Financial and Commercial Affairs Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 41, s. 1, re-enacted</sup>

1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;
- (c) "Director" means the Director of the Consumer Protection Division of the Department;
- (d) "Minister" means the Minister of Financial and Commercial Affairs;
- (e) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*; <sup>R.S.O. 1960, c. 222</sup>
- (f) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 8a.

2. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: <sup>1966, c. 41, amended</sup>

- 8a.—(1) There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4. <sup>Commercial Registration Appeal Tribunal</sup>

## Duties

## (2) The Tribunal shall,

- (a) advise the Minister on consumer affairs; and
- (b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

## Members

- (3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

## Idem

- (4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

## Remuneration and expenses

- (5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

## Quorum

- (6) Three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

## Duties of chairman

- (7) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.

## Experts

- (8) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it.

## Publishing reports

- (9) The Tribunal may prepare and periodically publish a summary of such of its decisions and the reasons therefor as the Tribunal considers to be of general public significance.

8b. No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

8c.—(1) Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. Interim appointments

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 8a to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. Idem

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

**4.** This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*. Short title





An Act to amend  
The Department of Financial  
and Commercial Affairs Act, 1966

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*1st Reading*

June 4th, 1969

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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B 56

**BILL 170**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Department of Financial  
and Commercial Affairs Act, 1966**

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MR. ROWNTREE

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*(Reprinted as amended by the Legal and Municipal Committee)*

## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.

SECTION 2. The amendment establishes The Commercial Registration Appeal Tribunal for the purpose of holding all the hearings concerning registrations under the Acts administered by the Department.

The amendment also provides for protection from civil liability of senior officers of the Department who are responsible for supervising business practices, advising consumers and dealing with their complaints.

BILL 170

1968-69

## An Act to amend The Department of Financial and Commercial Affairs Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Financial and Commercial Affairs Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 41, s. 1, re-enacted</sup>

1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;
- (c) "Director" means the Director of the Consumer Protection Division of the Department;
- (d) "Minister" means the Minister of Financial and Commercial Affairs;
- (e) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*;
- (f) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 8a.

R.S.O. 1960,  
c. 222

2. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: <sup>1966, c. 41, amended</sup>

- 8a.—(1) There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4. <sup>Commercial  
Registration  
Appeal  
Tribunal</sup>

## Duties

## (2) The Tribunal shall,

- (a) advise the Minister on consumer affairs; and
- (b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

## Members

- (3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

## Idem

- (4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

## Remuneration and expenses

- (5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

## Quorum

- (6) Three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

## Duties of chairman

- (7) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.

## Experts

- (8) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it.

## Publishing reports

- (9) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor.

## Protection from personal liability

- 8b. No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under

the authority of such Director, member or Registrar for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

8c.—(1) Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months.

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 8a to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months.

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**4.** This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*.





An Act to amend  
The Department of Financial  
and Commercial Affairs Act, 1966

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

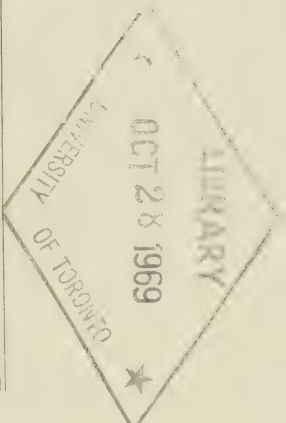
*3rd Reading*

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MR. ROWNTREE

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(Reprinted as amended by  
the Legal and Municipal Committee)

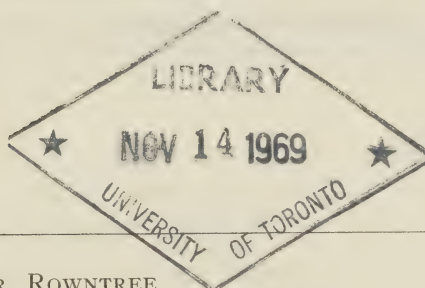


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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act to amend The Department of Financial  
and Commercial Affairs Act, 1966**



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MR. ROWNTREE

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*(Reprinted as amended by the Committee of the Whole House)*

## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment establishes The Commercial Registration Appeal Tribunal for the purpose of holding all the hearings concerning registrations under the Acts administered by the Department.

The amendment also provides for protection from civil liability of senior officers of the Department who are responsible for supervising business practices, advising consumers and dealing with their complaints.

BILL 170

1968-69

## An Act to amend The Department of Financial and Commercial Affairs Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Department of Financial and Commercial Affairs Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 41, s. 1, re-enacted</sup>

1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;
- (c) "Director" means the Director of the Consumer Protection Division of the Department;
- (d) "Minister" means the Minister of Financial and Commercial Affairs;
- (e) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*; <sup>R.S.O. 1960, c. 222</sup>
- (f) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 8a.

**2.** *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: <sup>1966, c. 41, amended</sup>

- 8a.—(1) There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4. <sup>Commercial Registration Appeal Tribunal</sup>

## Duties

## (2) The Tribunal shall,

- (a) advise the Minister on consumer affairs; and
- (b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

## Members

- (3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

## Idem

- (4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

## Remuneration and expenses

- (5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

## Quorum

- (6) Subject to subsection 7, three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

## Representative of industry

- (7) Where the Tribunal holds a hearing, at least one of the members shall be a person appointed under subsection 4 engaged in the industry governed by the Act under which the hearing is held.

## Duties of chairman

- (8) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.

## Experts

- (9) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it.

(10) The Tribunal shall prepare and periodically publish <sup>Publishing reports</sup> a summary of its decisions and the reasons therefor.

8b. No action or other proceeding for damages shall be <sup>Protection from personal liability</sup> instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

8c.—(1) Where a vacancy occurs in the office of Director <sup>Interim appointments</sup> or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months.

(2) Where a vacancy occurs in the office of chairman of <sup>Idem</sup> the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 8a to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months.

**3.** This Act comes into force on a day to be named by the <sup>Commencement</sup> Lieutenant Governor by his proclamation.

**4.** This Act may be cited as *The Department of Financial* <sup>Short title</sup> *and Commercial Affairs Amendment Act, 1968-69.*





An Act to amend  
The Department of Financial  
and Commercial Affairs Act, 1966

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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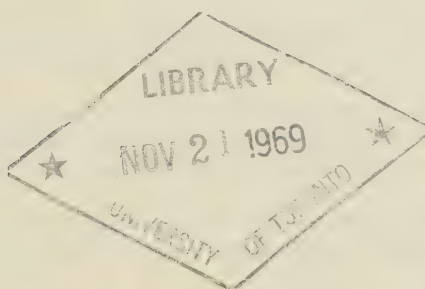
*(Reprinted as amended by the Committee  
of the Whole House)*

## BILL 170

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act to amend The Department of Financial  
and Commercial Affairs Act, 1966**

MR. ROWNTREE



TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 170

1968-69

## An Act to amend The Department of Financial and Commercial Affairs Act, 1966

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Department of Financial and Commercial Affairs Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 41, s. 1, re-enacted</sup>

1. In this Act,

Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;
- (c) "Director" means the Director of the Consumer Protection Division of the Department;
- (d) "Minister" means the Minister of Financial and Commercial Affairs;
- (e) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*;
- (f) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 8a.

R.S.O. 1960,  
c. 222

**2.** *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: <sup>1966, c. 41, amended</sup>

- 8a.—(1) There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4. <sup>Commercial Registration Appeal Tribunal</sup>

## Duties

## (2) The Tribunal shall,

- (a) advise the Minister on consumer affairs; and
- (b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

## Members

- (3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

## Idem

- (4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

## Remuneration and expenses

- (5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

## Quorum

- (6) Subject to subsection 7, three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

## Representative of industry

- (7) Where the Tribunal holds a hearing, at least one of the members shall be a person appointed under subsection 4 engaged in the industry governed by the Act under which the hearing is held.

## Duties of chairman

- (8) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.

## Experts

- (9) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it.

(10) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor. <sup>Publishing reports</sup>

8b. No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. <sup>Protection from personal liability</sup>

8c.—(1) Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. <sup>Interim appointments</sup>

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 8a to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. <sup>Idem</sup>

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

4. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*. <sup>Short title</sup>





An Act to amend  
The Department of Financial  
and Commercial Affairs Act, 1966

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

October 31st, 1969

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MR. ROWNTREE

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Government  
Publications

## BILL 171

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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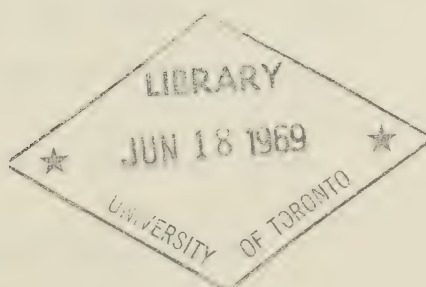
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### The Collection Agencies Act, 1968-69

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MR. ROWNTREE

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#### EXPLANATORY NOTES

*The Collection Agencies Act* is revised for the purpose of:

1. Extending the registration requirements to include house agencies for collections and tracers.
2. Changing the licensing system to a registration system for uniformity with other registration Acts administered by the Department.
3. Revising the registration procedures to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.
4. Moving some matters of detail such as bonding and accounting requirements to the regulations.
5. Clarifying certain other provisions.

## BILL 171

1968-69

## The Collection Agencies Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "collection agency" means a person other than a collector who deals with a debtor for the purpose of obtaining or arranging for payment of money owing to another person, or who holds out to the public that he provides such a service;
- (b) "collector" means a person employed, appointed or authorized by a collection agency to solicit business or collect debts for the agency or to deal with or trace debtors for the agency;
- (c) "Department" means the Department of Financial and Commercial Affairs;
- (d) "Director" means the Director of the Consumer Protection Division of the Department;
- (e) "Minister" means the Minister of Financial and Commercial Affairs;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Collection Agencies;
- (i) "regulations" means the regulations made under this Act;

1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 58, s. 1; 1964, c. 7, s. 1, *amended*.

Application  
of Act

**2.** This Act does not apply,

(a) to a barrister or solicitor in the regular practice of his profession or to his employees;

R.S.O. 1960,  
c. 190

(b) to an insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such licence or to his employees;

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 71, 197

(c) to an assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act* or the *Winding-up Act* (Canada) or a person acting under the order of any court;

R.S.O. 1960,  
c. 344

(d) to a broker or salesman registered under *The Real Estate and Business Brokers Act*, or an official or other employee of such a broker to the extent of the business authorized by the registration;

1966-67,  
c. 87 (Can.)

(e) to a bank to which the *Bank Act* (Canada) applies, the Province of Ontario Savings Office, a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an employee thereof in the regular course of his employment;

R.S.O. 1960,  
c. 222

(f) to an isolated collection made by a person whose usual business is not collecting debts for other persons; or

(g) to a person providing counselling services in respect of consumer credit and receiving public money under *The Consumer Protection Bureau Act, 1966* for the purpose. R.S.O. 1960, c. 58, s. 11, *amended*.

1966, c. 24

Registrar

**3.—**(1) There shall be a Registrar of Collection Agencies who shall be appointed by the Lieutenant Governor in Council. *New.*

Duties of  
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 58, s. 2; 1964, c. 7, s. 2, *amended*.

**4.**—(1) No person shall carry on the business of a collection agency or act as a collector unless he is registered by the Registrar under this Act. R.S.O. 1960, c. 58, s. 3; 1964, c. 7, s. 3, *amended*. <sup>Registration</sup>

(2) A registered collection agency shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*. <sup>Name and place of business</sup>

**5.** No creditor shall deal with his debtor for payment of the debt except under the name in which the debt is lawfully owing or through a registered collection agency. *New*. <sup>Use of name to collect debts</sup>

**6.**—(1) An applicant is entitled to registration or renewal of registration except where, <sup>Registration</sup>

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 7, s. 4, *amended*. <sup>Conditions of registration</sup>

**7.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 7, s. 4 (2), *part, amended*. <sup>Revocation</sup>

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. <sup>Voluntary cancellation</sup>

**8.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant <sup>Hearing by Tribunal</sup>

or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of  
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**9.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**10.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

(4) The Tribunal may admit evidence not given under oath. Idem

(5) Any person who, without lawful excuse, Offences

(a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

(6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.* Enforcement

**11.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**12.—**(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**13.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

**14.—**(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

Release of exhibits

**15.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized knowledge

**16.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**17.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

(a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record. *New.*

Decision of Tribunal

**18.**—(1) The Tribunal may, after the hearing,

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act

and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

- (3) The reasons for the final decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

- (b) any agreed findings of facts; and

- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**19.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**20.—(1)** Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of Decision of court

the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

- Idem* (4) The decision of the Court of Appeal is final. *New.*
- Stay* **21.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*
- Further applications* **22.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 7, s. 5, *part, amended.*
- Investigation of complaints* **23.**—(1) Where the Registrar receives a complaint in respect of a collection agency and so requests in writing, the collection agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.
- Idem* (2) The request under subsection 1 shall indicate the general nature of the inquiry involved.
- Idem* (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the collection agency to make an inspection in relation to the complaint. 1964, c. 7, s. 7, *amended.*
- Inspection* **24.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.
- Idem* (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a collection agency while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New.*
- Powers on inspection* **25.**—(1) Upon an inspection under section 23 or 24, the person inspecting,
- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and pur-<sup>Admissibil-</sup>porting to be certified by an inspector is admissible in evidence ity of copies in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.*

**26.**—(1) Where, upon a statement made under oath, it<sup>Investiga-</sup> appears probable to the Director that any person has, tions

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code*<sup>1953-54</sup> (Canada) or under the law of any jurisdiction, that c. 51 (Can.) is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by<sup>Investiga-</sup> order appoint one or more persons to make an investigation tion by order of Minister into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under<sup>Scope of</sup> this section, any person appointed to make the investigation ition may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any

property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibil-  
ity of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by  
witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 10 and section 12 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 7, s. 9, *part, amended*.

Report

**27.** Where, upon the report of an investigation made under subsection 1 of section 26, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended.*

**28.—**(1) The Director may,

Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 26; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made

Applica-  
tion for  
direction

thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1964, c. 7, s. 9, *part, amended*.

Notice of  
changes

**29.**—(1) Every collection agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership;
- (c) any commencement or termination of employment of a collector.

Idem

(2) Every collector shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) any commencement or termination of his employment. R.S.O. 1960, c. 58, s. 6 (1a, 2); 1964, c. 7, s. 6, *amended*

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the date on which he is actually notified or, where the notification is by mail, on the date of mailing. *New.*

Furnishing  
material to  
Registrar

**30.**—(1) The Registrar may at any time require a collection agency to provide him with copies of any letters, forms, form letters, notices, pamphlets, brochures, advertisements, contracts, agreements or other materials used or proposed to be used by the collection agency in the course of conducting its business.

Alteration  
of material

(2) The Registrar may alter, amend, restrict or prohibit the use of any of the materials referred to in subsection 1, that in his opinion are harsh, false, misleading or deceptive. *New.*

(3) Every collection agency shall, when required by the Registrar, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the collection agency and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1960, c. 58, s. 9; 1962-63, c. 16, s. 2, *amended*. Financial statements  
R.S.O. 1960,  
c. 317

**31.** No collection agency or collector shall,

Practices  
prohibited

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor;
- (b) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;
- (c) receive or make an agreement for the payment of any money by a debtor of a creditor for whom the collection agency acts, either on its own account or for the creditor and whether as a charge, cost, expense or otherwise, in consideration for any forbearance, favour, indulgence, intercession or other conduct by the collection agency;
- (d) deal with a debtor in a name other than that authorized by the registration. R.S.O. 1960, c. 58, s. 20; 1962-63, c. 16, s. 7, *amended*.

**32.** Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. R.S.O. 1960, c. 58, s. 21. Notice as  
to moneys  
collected

**33.—(1)** No person shall knowingly engage or use the services of a collection agency that is not registered under this Act. Use of un-  
registered  
collection  
agency

(2) No collection agency shall employ a collector or appoint or authorize a collector to act on its behalf unless the collector is registered under this Act. *New.* Employ-  
ment of un-  
registered  
collectors

**34.** Where, in the opinion of the Registrar, a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 8 to 20 apply to the order and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. *New.* False  
advertising

- Service**      **35.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- Idem**          (2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 7, s. 6, *amended*.
- Exception**    (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.
- Restraining orders**    **36.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.
- Appeal**          (2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New*.
- Offences**      **37.**—(1) Every person who,
- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with any order, direction or other requirement made under this Act; or
  - (c) contravenes any provision of this Act or the regulations,
- and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.
- Corporations**    (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 <sup>Idem</sup> shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1964, c. 7, s. 11, *part, amended*.

**38.** A statement as to,

<sup>Certificate as evidence</sup>

- (a) The registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 7, s. 11, *part, amended*.

**39.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup>lations,

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (b) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) requiring and governing the maintenance of trust accounts by collection agencies and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

- (e) requiring and governing the books, accounts and records that shall be kept by collection agencies and requiring the accounting and remission of moneys to creditors in such manner and times as are prescribed, including the disposition of unclaimed money;
- (f) requiring collection agencies or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (g) requiring collection agencies to make returns and furnish information to the Registrar;
- (h) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (i) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (j) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (k) prohibiting the use of any particular method in the collection of debts. R.S.O. 1960, c. 58, s. 32; 1962-63, c. 16, s. 14, *amended*.

Commence-  
ment

**40.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**41.** This Act may be cited as *The Collection Agencies Act, 1968-69*.



The Collection Agencies Act, 1968-69

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*1st Reading*

June 4th, 1969

*2nd Reading*

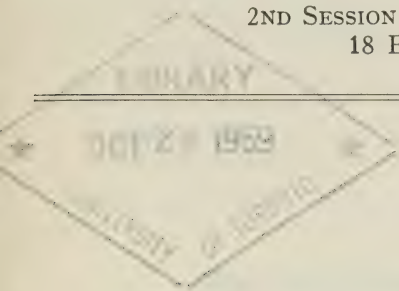
*3rd Reading*

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MR. ROWNTREE

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



## The Collection Agencies Act, 1968-69

MR. ROWNTREE

*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTES

*The Collection Agencies Act* is revised for the purpose of:

1. Extending the registration requirements to include house agencies for collections and tracers.
2. Changing the licensing system to a registration system for uniformity with other registration Acts administered by the Department.
3. Revising the registration procedures to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.
4. Moving some matters of detail such as bonding and accounting requirements to the regulations.
5. Clarifying certain other provisions.

BILL 171

1968-69

## The Collection Agencies Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "collection agency" means a person other than a collector who deals with a debtor for the purpose of obtaining or arranging for payment of money owing to another person, or who holds out to the public that he provides such a service or any person who sells or offers to sell forms or letters represented to be a collection system or scheme;
- (b) "collector" means a person employed, appointed or authorized by a collection agency to solicit business or collect debts for the agency or to deal with or trace debtors for the agency;
- (c) "Department" means the Department of Financial and Commercial Affairs;
- (d) "Director" means the Director of the Consumer Protection Division of the Department;
- (e) "Minister" means the Minister of Financial and Commercial Affairs;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Collection Agencies;
- (i) "regulations" means the regulations made under this Act;

1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 58, s. 1; 1964, c. 7, s. 1, *amended*.

Application  
of Act

**2.** This Act does not apply,

(a) to a barrister or solicitor in the regular practice of his profession or to his employees;

R.S.O. 1960,  
c. 190

(b) to an insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such licence or to his employees;

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 71, 197

(c) to an assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act* or the *Winding-up Act* (Canada) or a person acting under the order of any court;

R.S.O. 1960,  
c. 344

(d) to a broker or salesman registered under *The Real Estate and Business Brokers Act*, or an official or other employee of such a broker to the extent of the business authorized by the registration;

1966-67,  
c. 87 (Can.)

(e) to a bank to which the *Bank Act* (Canada) applies, the Province of Ontario Savings Office, a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an employee thereof in the regular course of his employment;

R.S.O. 1960,  
c. 222

(f) to an isolated collection made by a person whose usual business is not collecting debts for other persons; or

1966, c. 24

(g) to a person providing counselling services in respect of consumer credit and receiving public money under *The Consumer Protection Bureau Act, 1966* for the purpose. R.S.O. 1960, c. 58, s. 11, *amended*.

Registrar

**3.**—(1) There shall be a Registrar of Collection Agencies who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of  
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 58, s. 2; 1964, c. 7, s. 2, *amended*.

**4.**—(1) No person shall carry on the business of a collection agency or act as a collector unless he is registered by the Registrar under this Act. R.S.O. 1960, c. 58, s. 3; 1964, c. 7, s. 3, *amended*. <sup>Registration</sup>

(2) A registered collection agency shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*. <sup>Name and place of business</sup>

**5.** No creditor shall deal with his debtor for payment of the debt except under the name in which the debt is lawfully owing or through a registered collection agency. *New*. <sup>Use of name to collect debts</sup>

**6.**—(1) An applicant is entitled to registration or renewal of registration except where, <sup>Registration</sup>

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 7, s. 4, *amended*. <sup>Conditions of registration</sup>

**7.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 7, s. 4 (2), *part, amended*. <sup>Revocation</sup>

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. <sup>Voluntary cancellation</sup>

**8.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant <sup>Hearing by Tribunal</sup>

or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of  
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**9.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**10.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

(4) The Tribunal may admit evidence not given under oath. *Idem*

(5) Any person who, without lawful excuse, Offences

(a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

(6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.* Enforcement

**11.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**12.—(1)** Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**13.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

**14.—(1)** All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New*.

Release of exhibits

**15.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New*.

Specialized knowledge

**16.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New*.

Record

**17.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

(a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record. *New*.

Decision of Tribunal

**18.**—(1) The Tribunal may, after the hearing,

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act

and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the Decision to be in writing reasons therefor, shall be in writing.

(3) The reasons for the final decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties Notice of decision a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.*

**19.** A certified copy of the final decision of the Tribunal, Enforcement of decisions exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

**20.—**(1) Any party to the hearing before the Tribunal Appeal to Court of Appeal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court Counsel upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions Decision of court of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of

the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

*Idem* (4) The decision of the Court of Appeal is final. *New.*

*Stay* **21.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*

*Further applications* **22.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 7, s. 5, *part, amended.*

*Investigation of complaints* **23.**—(1) Where the Registrar receives a complaint in respect of a collection agency and so requests in writing, the collection agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

*Idem* (2) The request under subsection 1 shall indicate the general nature of the inquiry involved.

*Idem* (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the collection agency to make an inspection in relation to the complaint. 1964, c. 7, s. 7, *amended.*

*Inspection* **24.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

*Idem* (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a collection agency while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New.*

*Powers on inspection* **25.**—(1) Upon an inspection under section 23 or 24, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and pur-<sup>Admissibility of copies</sup>porting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.*

**26.**—(1) Where, upon a statement made under oath, it<sup>Investigations</sup> appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code*<sup>1953-54 c. 51 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by<sup>Investigation by order of Minister</sup> order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any

property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 10 and section 12 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 7, s. 9, *part, amended*.

Report

**27.** Where, upon the report of an investigation made under subsection 1 of section 26, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended.*

**28.**—(1) The Director may,

- (a) after an investigation of any person has been ordered under section 26; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

Order to  
refrain from  
dealing with  
assets

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made

Applica-  
tion for  
direction

thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1964, c. 7, s. 9, *part, amended*.

Notice of  
changes

**29.**—(1) Every collection agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership;
- (c) any commencement or termination of employment of a collector.

Idem

(2) Every collector shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) any commencement or termination of his employment. R.S.O. 1960, c. 58, s. 6 (1a, 2); 1964, c. 7, s. 6, *amended*

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the date on which he is actually notified or, where the notification is by mail, on the date of mailing. *New.*

Furnishing  
material to  
Registrar

**30.**—(1) The Registrar may at any time require a collection agency to provide him with copies of any letters, forms, form letters, notices, pamphlets, brochures, advertisements, contracts, agreements or other materials used or proposed to be used by the collection agency in the course of conducting its business.

Alteration  
of material

(2) The Registrar may alter, amend, restrict or prohibit the use of any of the materials referred to in subsection 1, that in his opinion are harsh, false, misleading or deceptive, and sections 8 to 20 apply to the decision of the Registrar and the decision shall take effect immediately, but the Tribunal may grant a stay until the Registrar's decision becomes final. *New.*

(3) Every collection agency shall, when required by the Registrar <sup>Financial statements</sup> with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the collection agency and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1960, c. 58, s. 9; 1962-63, c. 16, s. 2, *amended*. <sup>R.S.O. 1960, c. 317</sup>

**31.** No collection agency or collector shall,

<sup>Practices prohibited</sup>

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor;
- (b) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;
- (c) receive or make an agreement for the additional payment of any money by a debtor of a creditor for whom the collection agency acts, either on its own account or for the creditor and whether as a charge, cost, expense or otherwise, in consideration for any forbearance, favour, indulgence, intercession or other conduct by the collection agency;
- (d) deal with a debtor in a name other than that authorized by the registration. R.S.O. 1960, c. 58, s. 20; 1962-63, c. 16, s. 7, *amended*.

**32.** Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. R.S.O. 1960, c. 58, s. 21. <sup>Notice as to moneys collected</sup>

**33.**—(1) No person shall knowingly engage or use the services of a collection agency that is not registered under this Act. <sup>Use of un-registered collection agency</sup>

(2) No collection agency shall employ a collector or appoint or authorize a collector to act on its behalf unless the collector is registered under this Act. *New.* <sup>Employment of un-registered collectors</sup>

**34.** Where, in the opinion of the Registrar, a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 8 to 20 apply to the order and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. *New.* <sup>False advertising</sup>

## Service

**35.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

## Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 7, s. 6, *amended*.

## Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

## Restraining orders

**36.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

## Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New*.

## Offences

**37.**—(1) Every person who,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

## Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted except with the consent of the Minister. <sup>Consent of Minister</sup>

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. <sup>Limitation</sup>

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1964, c. 7, s. 11, *part, amended*. <sup>Idem</sup>

**38.** A statement as to,

<sup>Certificate as evidence</sup>

- (a) The registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 7, s. 11, *part, amended*.

**39.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (b) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) requiring and governing the maintenance of trust accounts by collection agencies and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

- (e) requiring and governing the books, accounts and records that shall be kept by collection agencies and requiring the accounting and remission of moneys to creditors in such manner and times as are prescribed, including the disposition of unclaimed money;
- (f) requiring collection agencies or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (g) requiring collection agencies to make returns and furnish information to the Registrar;
- (h) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (i) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (j) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (k) prohibiting the use of any particular method in the collection of debts. R.S.O. 1960, c. 58, s. 32; 1962-63, c. 16, s. 14, *amended*.

R.S.O. 1960,  
c. 58;  
1962-63,  
c. 16; 1964,  
c. 7, repealed

**40.**—(1) *The Collection Agencies Act, The Collection Agencies Amendment Act, 1962-63 and The Collection Agencies Amendment Act, 1964* are repealed.

Unfinished  
proceedings

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's  
knowledge  
imputed

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division

**41.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

**42.** This Act may be cited as *The Collection Agencies Act*, <sup>Short title</sup>  
1968-69.

The Collection Agencies Act, 1968-69

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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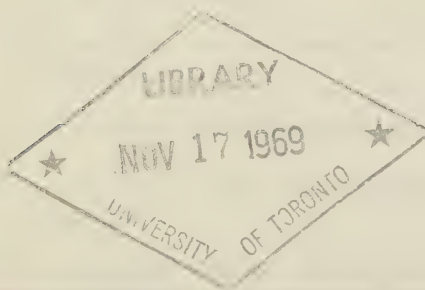
(Reprinted as amended by  
the Legal and Municipal Committee)

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

## The Collection Agencies Act, 1968-69

MR. ROWNTREE

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO  
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#### EXPLANATORY NOTES

*The Collection Agencies Act* is revised for the purpose of:

1. Extending the registration requirements to include house agencies for collections and tracers.
2. Changing the licensing system to a registration system for uniformity with other registration Acts administered by the Department.
3. Revising the registration procedures to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.
4. Moving some matters of detail such as bonding and accounting requirements to the regulations.
5. Clarifying certain other provisions.

BILL 171

1968-69

## The Collection Agencies Act, 1968-69

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "collection agency" means a person other than a collector who deals with a debtor for the purpose of obtaining or arranging for payment of money owing to another person, or who holds out to the public that he provides such a service or any person who sells or offers to sell forms or letters represented to be a collection system or scheme;
- (b) "collector" means a person employed, appointed or authorized by a collection agency to solicit business or collect debts for the agency or to deal with or trace debtors for the agency;
- (c) "Department" means the Department of Financial and Commercial Affairs;
- (d) "Director" means the Director of the Consumer Protection Division of the Department;
- (e) "Minister" means the Minister of Financial and Commercial Affairs;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Collection Agencies;
- (i) "regulations" means the regulations made under this Act;

1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 58, s. 1; 1964, c. 7, s. 1, *amended*.

Application  
of Act

**2.** This Act does not apply,

- (a) to a barrister or solicitor in the regular practice of his profession or to his employees;
- R.S.O. 1960, c. 190 (b) to an insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such licence or to his employees;
- R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 71, 197 (c) to an assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act* or the *Winding-up Act* (Canada) or a person acting under the order of any court;
- R.S.O. 1960, c. 344 (d) to a broker or salesman registered under *The Real Estate and Business Brokers Act*, or an official or other employee of such a broker to the extent of the business authorized by the registration;
- 1966-67, c. 87 (Can.) (e) to a bank to which the *Bank Act* (Canada) applies, the Province of Ontario Savings Office, a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an employee thereof in the regular course of his employment;
- R.S.O. 1960, c. 222 (f) to an isolated collection made by a person whose usual business is not collecting debts for other persons; or
- (g) to a person providing counselling services in respect of consumer credit and receiving public money under *The Consumer Protection Bureau Act, 1966* for the purpose. R.S.O. 1960, c. 58, s. 11, *amended*.
- 1966, c. 24

Registrar

**3.—**(1) There shall be a Registrar of Collection Agencies who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of  
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 58, s. 2; 1964, c. 7, s. 2, *amended*.

**4.**—(1) No person shall carry on the business of a collection agency or act as a collector unless he is registered by the Registrar under this Act. R.S.O. 1960, c. 58, s. 3; 1964, c. 7, s. 3, *amended*. Registration

(2) A registered collection agency shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*. Name and place of business

**5.** No creditor shall deal with his debtor for payment of the debt except under the name in which the debt is lawfully owing or through a registered collection agency. *New*. Use of name to collect debts

**6.**—(1) An applicant is entitled to registration or renewal of registration except where, Registration

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 7, s. 4, *amended*. Conditions of registration

**7.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 7, s. 4 (2), *part, amended*. Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation

**8.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant Hearing by Tribunal

or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of  
refusal to  
renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of  
hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the date fixed.

Idem

(4) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**9.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**10.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

- (3) The Tribunal may require any person,
- (a) to give evidence on oath at a hearing; and

- (b) to produce such documents and things as the Tribunal requires.

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*. Objection re self-incrimination  
R.S.O. 1960, c. 125  
R.S.C. 1952, c. 307

(5) The Tribunal may admit evidence not given under oath. Idem

(6) Any person who, without lawful excuse, Offences

(a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7. Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**11.** Any party may be represented before the Tribunal by counsel or agent. *New.* Right of party to counsel

**12.**—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.* Exclusion of counsel

**13.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.* Right of parties at hearing

Hearings  
to be open  
to public;  
exceptions

**14.**—(1) All hearings shall be open to the public except where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

Release of  
exhibits

**15.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized  
knowledge

**16.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

**17.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

(a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record. *New.*

Decision of  
Tribunal

**18.**—(1) The Tribunal may, after the hearing,

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any

act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**19.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**20.—**(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of Decision of court

the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

*Idem* (4) The decision of the Court of Appeal is final. *New.*

*Stay* **21.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*

*Further applications* **22.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 7, s. 5, *part, amended.*

*Investigation of complaints* **23.—**(1) Where the Registrar receives a complaint in respect of a collection agency and so requests in writing, the collection agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

*Idem* (2) The request under subsection 1 shall indicate the nature of the inquiry involved.

*Idem* (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the collection agency to make an inspection in relation to the complaint. 1964, c. 7, s. 7, *amended.*

*Inspection* **24.—**(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

*Idem* (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a collection agency while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New.*

*Powers on inspection* **25.—**(1) Upon an inspection under section 23 or 24, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and pur-<sup>Admissibil-  
ity of copies</sup>porting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.*

**26.**—(1) Where, upon a statement made under oath, it<sup>Investiga-  
tions</sup> appears probable to the Director that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

(b) committed an offence, under the *Criminal Code*<sup>1953-54  
c. 61 (Can.)</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by<sup>Investiga-  
tion by  
order of  
Minister</sup> order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under<sup>Scope of  
investiga-  
tion</sup> this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any

property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 10 and section 12 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 7, s. 9, *part, amended*.

Report

**27.** Where, upon the report of an investigation made under subsection 1 of section 26, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended*.

28.—(1) The Director may,

Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 26; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director, <sup>Bond in lieu</sup>

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or <sup>R.S.O. 1960,  
c. 168</sup>
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made <sup>Applica-  
tion for  
direction</sup>

thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1964, c. 7, s. 9, *part, amended*.

Notice of  
changes

**29.**—(1) Every collection agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership;
- (c) any commencement or termination of employment of a collector.

Idem

(2) Every collector shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) any commencement or termination of his employment. R.S.O. 1960, c. 58, s. 6 (1a, 2); 1964, c. 7, s. 6, *amended*

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the date on which he is actually notified or, where the notification is by mail, on the date of mailing. *New*.

Furnishing  
material to  
Registrar

**30.**—(1) The Registrar may at any time require a collection agency to provide him with copies of any letters, forms, form letters, notices, pamphlets, brochures, advertisements, contracts, agreements or other materials used or proposed to be used by the collection agency in the course of conducting its business.

Alteration  
of material

(2) The Registrar may alter, amend, restrict or prohibit the use of any of the materials referred to in subsection 1, that in his opinion are harsh, false, misleading or deceptive, and sections 8 to 20 apply to the decision of the Registrar and the decision shall take effect immediately, but the Tribunal may grant a stay until the registrar's decision becomes final. *New*.

(3) Every collection agency shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the collection agency and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1960, c. 58, s. 9; 1962-63, c. 16, s. 2, *amended*. Financial statements  
R.S.O. 1960,  
c. 317

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement. Statement confidential

**31.** No collection agency or collector shall,

Practices prohibited

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor;
- (b) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;
- (c) receive or make an agreement for the additional payment of any money by a debtor of a creditor for whom the collection agency acts, either on its own account or for the creditor and whether as a charge, cost, expense or otherwise, in consideration for any forbearance, favour, indulgence, intercession or other conduct by the collection agency;
- (d) deal with a debtor in a name other than that authorized by the registration. R.S.O. 1960, c. 58, s. 20; 1962-63, c. 16, s. 7, *amended*.

**32.** Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. R.S.O. 1960, c. 58, s. 21. Notice as to moneys collected

**33.—(1)** No person shall knowingly engage or use the services of a collection agency that is not registered under this Act. Use of un-registered collection agency

(2) No collection agency shall employ a collector or appoint or authorize a collector to act on its behalf unless the collector is registered under this Act. *New.* Employment of un-registered collectors

**34.** Where, in the opinion of the Registrar, a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 8 to 20 apply to the order and False advertising

the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. *New.*

Service

**35.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 7, s. 6, *amended.*

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New.*

Restraining orders

**36.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New.*

Offences

**37.**—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 <sup>Idem</sup> shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1964, c. 7, s. 11, *part, amended*.

**38.** A statement as to,

<sup>Certificate as evidence</sup>

- (a) The registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 7, s. 11, *part, amended*.

**39.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (b) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) requiring and governing the maintenance of trust accounts by collection agencies and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

- (e) requiring and governing the books, accounts and records that shall be kept by collection agencies and requiring the accounting and remission of moneys to creditors in such manner and times as are prescribed, including the disposition of unclaimed money;
- (f) requiring collection agencies or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (g) requiring collection agencies to make returns and furnish information to the Registrar;
- (h) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (i) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (j) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (k) prohibiting the use of any particular method in the collection of debts. R.S.O. 1960, c. 58, s. 32; 1962-63, c. 16, s. 14, *amended*.

R.S.O. 1960, c. 58;  
1962-63, c. 16; 1964, c. 7, repealed **40.**—(1) *The Collection Agencies Act, The Collection Agencies Amendment Act, 1962-63 and The Collection Agencies Amendment Act, 1964* are repealed.

Unfinished  
proceedings

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's  
knowledge  
imputed

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division

**41.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup><sub>ment</sub>

**42.** This Act may be cited as *The Collection Agencies Act*, <sup>Short title</sup>  
1968-69.

The Collection Agencies Act, 1968-69

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

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MR. ROWNTREE

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(Reprinted as amended by  
the Committee of the Whole House)

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**The Collection Agencies Act, 1968-69**

MR. ROWNTREE





## The Collection Agencies Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "collection agency" means a person other than a collector who deals with a debtor for the purpose of obtaining or arranging for payment of money owing to another person, or who holds out to the public that he provides such a service or any person who sells or offers to sell forms or letters represented to be a collection system or scheme;
- (b) "collector" means a person employed, appointed or authorized by a collection agency to solicit business or collect debts for the agency or to deal with or trace debtors for the agency;
- (c) "Department" means the Department of Financial and Commercial Affairs;
- (d) "Director" means the Director of the Consumer Protection Division of the Department;
- (e) "Minister" means the Minister of Financial and Commercial Affairs;
- (f) "prescribed" means prescribed by this Act or the regulations;
- (g) "registered" means registered under this Act;
- (h) "Registrar" means the Registrar of Collection Agencies;
- (i) "regulations" means the regulations made under this Act;

- 1966, c. 41 (j) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 58, s. 1; 1964, c. 7, s. 1, *amended*.
- Application of Act **2.** This Act does not apply,
- (a) to a barrister or solicitor in the regular practice of his profession or to his employees;
- R.S.O. 1960, c. 190 (b) to an insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such licence or to his employees;
- R.S.C. 1952, cc. 14, 296  
R.S.O. 1960, cc. 71, 197 (c) to an assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act* or the *Winding-up Act* (Canada) or a person acting under the order of any court;
- R.S.O. 1960, c. 344 (d) to a broker or salesman registered under *The Real Estate and Business Brokers Act*, or an official or other employee of such a broker to the extent of the business authorized by the registration;
- 1966-67, c. 87 (Can.) (e) to a bank to which the *Bank Act* (Canada) applies, the Province of Ontario Savings Office, a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an employee thereof in the regular course of his employment;
- R.S.O. 1960, c. 222 (f) to an isolated collection made by a person whose usual business is not collecting debts for other persons; or
- 1966, c. 24 (g) to a person providing counselling services in respect of consumer credit and receiving public money under *The Consumer Protection Bureau Act, 1966* for the purpose. R.S.O. 1960, c. 58, s. 11, *amended*.
- Registrar **3.**—(1) There shall be a Registrar of Collection Agencies who shall be appointed by the Lieutenant Governor in Council. *New.*
- Duties of Registrar (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 58, s. 2; 1964, c. 7, s. 2, *amended*.

**4.**—(1) No person shall carry on the business of a collection agency or act as a collector unless he is registered by the Registrar under this Act. R.S.O. 1960, c. 58, s. 3; 1964, c. 7, s. 3, *amended*. Registration

(2) A registered collection agency shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*. Name and place of business

**5.** No creditor shall deal with his debtor for payment of the debt except under the name in which the debt is lawfully owing or through a registered collection agency. *New*. Use of name to collect debts

**6.**—(1) An applicant is entitled to registration or renewal of registration except where, Registration

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 7, s. 4, *amended*. Conditions of registration

**7.**—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 7, s. 4 (2), *part, amended*. Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation

**8.**—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant Hearing by Tribunal

or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of  
refusal to  
renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of  
hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

**9.**—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to  
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjourn-  
ment

**10.**—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

- (a) to give evidence on oath at a hearing; and

- (b) to produce such documents and things as the Tribunal requires.

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Objection re  
self-incrimin-  
ation  
R.S.O. 1960  
c. 125  
R.S.C. 1952  
c. 307

- (5) The Tribunal may admit evidence not given under oath.

Idem

- (6) Any person who, without lawful excuse,

Offences

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or

- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforce-  
ment

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

**11.** Any party may be represented before the Tribunal by counsel or agent. *New.*

Right of  
party to  
counsel

**12.—(1)** Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Right of  
witness to  
counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

Exclusion  
of counsel

**13.** At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

Right of  
parties at  
hearing

Hearings  
to be open  
to public;  
exceptions

**14.**—(1) All hearings shall be open to the public except where the Tribunal finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New*.

Release of  
exhibits

**15.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New*.

Specialized  
knowledge

**16.**—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents  
and service  
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New*.

Record

**17.** All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal;  
and
- (d) the decision and the reasons therefor,

form the record. *New*.

Decision of  
Tribunal

**18.**—(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any

act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

**19.** A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

**20.**—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of Decision of court

the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

*Idem* (4) The decision of the Court of Appeal is final. *New.*

*Stay* **21.** An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*

*Further applications* **22.** A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 7, s. 5, *part, amended.*

*Investigation of complaints* **23.**—(1) Where the Registrar receives a complaint in respect of a collection agency and so requests in writing, the collection agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

*Idem* (2) The request under subsection 1 shall indicate the nature of the inquiry involved.

*Idem* (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the collection agency to make an inspection in relation to the complaint. 1964, c. 7, s. 7, *amended.*

*Inspection* **24.**—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

*Idem* (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a collection agency while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New.*

*Powers on inspection* **25.**—(1) Upon an inspection under section 23 or 24, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and pur-<sup>Admissibil-</sup>porting to be certified by an inspector is admissible in evidence ity of copies in any action, proceeding or prosecution as *prima facie* evidence of the original. *New.*

**26.**—(1) Where, upon a statement made under oath, it <sup>Investiga-</sup>appears probable to the Director that any person has, tions

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence, under the *Criminal Code* <sup>1953-54</sup> (Canada) or under the law of any jurisdiction, that c. 51 (Can.) is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) Notwithstanding subsection 1, the Minister may by <sup>Investiga-</sup>order appoint one or more persons to make an investigation tion by order of Minister into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under <sup>Scope of</sup>this section, any person appointed to make the investigation investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any

property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of  
records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibil-  
ity of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appoint-  
ment of  
experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by  
witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 10 and section 12 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confiden-  
tiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 7, s. 9, *part, amended*.

Report

**27.** Where, upon the report of an investigation made under subsection 1 of section 26, it appears to the Director that a person may have,

(a) contravened any of the provisions of this Act or the regulations; or

1953-54,  
c. 51 (Can.)

(b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended.*

**28.—(1)** The Director may,

Order to  
refrain from  
dealing with  
assets

- (a) after an investigation of any person has been ordered under section 26; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank, loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,  
cc. 14, 296  
R.S.O. 1960,  
cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

Bond in lieu

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1960,  
c. 168

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made

Applica-  
tion for  
direction

thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1964, c. 7, s. 9, *part, amended*.

Notice of  
changes

**29.**—(1) Every collection agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership;
- (c) any commencement or termination of employment of a collector.

*Idem*

(2) Every collector shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service; and
- (b) any commencement or termination of his employment. R.S.O. 1960, c. 58, s. 6 (1a, 2); 1964, c. 7, s. 6, *amended*

*Idem*

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the date on which he is actually notified or, where the notification is by mail, on the date of mailing. *New.*

Furnishing  
material to  
Registrar

**30.**—(1) The Registrar may at any time require a collection agency to provide him with copies of any letters, forms, form letters, notices, pamphlets, brochures, advertisements, contracts, agreements or other materials used or proposed to be used by the collection agency in the course of conducting its business.

Alteration  
of material

(2) The Registrar may alter, amend, restrict or prohibit the use of any of the materials referred to in subsection 1, that in his opinion are harsh, false, misleading or deceptive, and sections 8 to 20 apply to the decision of the Registrar and the decision shall take effect immediately, but the Tribunal may grant a stay until the registrar's decision becomes final. *New.*

(3) Every collection agency shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the collection agency and certified by a person licensed under *The Public Accountancy Act*. <sup>Financial statements</sup> R.S.O. 1960, c. 58, s. 9; 1962-63, c. 16, s. 2, *amended*. <sup>R.S.O. 1960, c. 317</sup>

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement. <sup>Statement confidential</sup>

**31.** No collection agency or collector shall, <sup>Practices prohibited</sup>

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor;
- (b) send any telegram or make any telephone call for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;
- (c) receive or make an agreement for the additional payment of any money by a debtor of a creditor for whom the collection agency acts, either on its own account or for the creditor and whether as a charge, cost, expense or otherwise, in consideration for any forbearance, favour, indulgence, intercession or other conduct by the collection agency;
- (d) deal with a debtor in a name other than that authorized by the registration. <sup>R.S.O. 1960, c. 58, s. 20; 1962-63, c. 16, s. 7, *amended*.</sup>

**32.** Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. <sup>Notice as to moneys collected</sup> R.S.O. 1960, c. 58, s. 21.

**33.—(1)** No person shall knowingly engage or use the services of a collection agency that is not registered under this Act. <sup>Use of un-registered collection agency</sup>

(2) No collection agency shall employ a collector or appoint or authorize a collector to act on its behalf unless the collector is registered under this Act. <sup>Employment of un-registered collectors</sup> *New.*

**34.** Where, in the opinion of the Registrar, a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 8 to 20 apply to the order and <sup>False advertising</sup>

the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. *New.*

Service

**35.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 7, s. 6, *amended.*

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New.*

Restraining orders

**36.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New.*

Offences

**37.**—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 <sup>Idem</sup> shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1964, c. 7, s. 11, *part, amended*.

**38.** A statement as to,

<sup>Certificate as evidence</sup>

- (a) The registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 7, s. 11, *part, amended*.

**39.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup>lations,

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (b) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) requiring and governing the maintenance of trust accounts by collection agencies and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

- (e) requiring and governing the books, accounts and records that shall be kept by collection agencies and requiring the accounting and remission of moneys to creditors in such manner and times as are prescribed, including the disposition of unclaimed money;
- (f) requiring collection agencies or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (g) requiring collection agencies to make returns and furnish information to the Registrar;
- (h) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (i) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (j) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (k) prohibiting the use of any particular method in the collection of debts. R.S.O. 1960, c. 58, s. 32; 1962-63, c. 16, s. 14, *amended*.

R.S.O. 1960, c. 58; 1962-63, c. 16; 1964, c. 7, repealed **40.**—(1) *The Collection Agencies Act, The Collection Agencies Amendment Act, 1962-63 and The Collection Agencies Amendment Act, 1964* are repealed.

Unfinished  
proceedings

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's  
knowledge  
imputed

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division

**41.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup>  
<sup>ment</sup>

**42.** This Act may be cited as *The Collection Agencies Act*, <sup>Short title</sup>  
1968-69.

The Collection Agencies Act, 1968-69

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*1st Reading*

June 4th, 1969

*2nd Reading*

September 30th, 1969

*3rd Reading*

October 31st, 1969

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MR. ROWNTREE

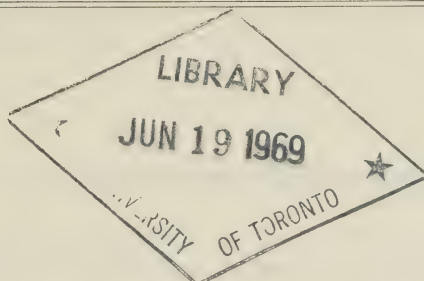
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## BILL 172

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

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**An Act respecting the Municipality of Neebing**

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MR. McKEOUGH

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#### EXPLANATORY NOTE

This Bill is necessary following the annexation of the geographic township of Neebing to the City of The Lakehead.

BILL 172

1968-69

## An Act respecting the Municipality of Neebing

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any general or special Act, the Municipality of Neebing, on and after the 1st day of January, 1970, is divided into three wards, composed as follows,

- (a) the ward of Blake consisting of the Township of Blake;
- (b) the ward of Crooks consisting of the Township of Crooks; and
- (c) the ward of Pardee consisting of the Township of Pardee,

and all islands in front of each of such townships within the distance of one mile form part of the ward consisting of such township.

**2.—(1)** Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the council of The Corporation of the Municipality of Neebing shall consist of a reeve and four councillors,

- (a) one councillor for each ward to be elected by the electors of the ward;
- (b) one councillor to be elected by the general vote of the electors of the whole of the municipality; and
- (c) a reeve to be elected by the general vote of the electors of the whole of the municipality.

(2) The members of the council shall be elected for a three-year term of office commencing on the 1st day of

January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Municipality of Neebing Act, 1968-69*.







An Act respecting the  
Municipality of Neebing

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*1st Reading*

June 4th, 1969

*2nd Reading*

*3rd Reading*

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MR. McKEOUGH

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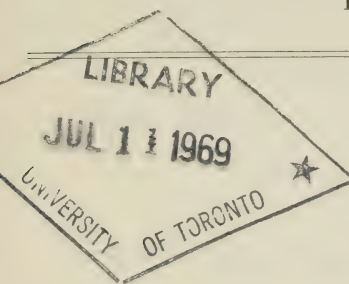
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**BILL 172**

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

---



**An Act respecting the Municipality of Neebing**

---

MR. McKEOUGH

---



BILL 172

1968-69

## An Act respecting the Municipality of Neebing

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the Municipality of Neebing, on and after the 1st day of January, 1970, is divided into three wards, composed as follows,

- (a) the ward of Blake consisting of the Township of Blake;
- (b) the ward of Crooks consisting of the Township of Crooks; and
- (c) the ward of Pardee consisting of the Township of Pardee,

and all islands in front of each of such townships within the distance of one mile form part of the ward consisting of such township.

2.—(1) Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the council of The Corporation of the Municipality of Neebing shall consist of a reeve and four councillors,

- (a) one councillor for each ward to be elected by the electors of the ward;
- (b) one councillor to be elected by the general vote of the electors of the whole of the municipality; and
- (c) a reeve to be elected by the general vote of the electors of the whole of the municipality.

(2) The members of the council shall be elected for a three-year term of office commencing on the 1st day of

January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Municipality of Neebing Act, 1968-69*.







An Act respecting the  
Municipality of Neebing

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*1st Reading*

June 4th, 1969

*2nd Reading*

June 13th, 1969

*3rd Reading*

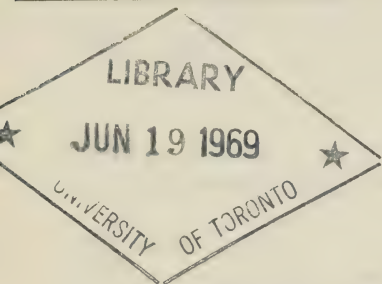
June 18th, 1969

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MR. McKEOUGH

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2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69



**An Act respecting the Municipality of Shuniah**

MR. McKEOUGH

#### EXPLANATORY NOTE

This Bill is necessary following the annexation of the geographic township of McIntyre to the City of The Lakehead.

## An Act respecting the Municipality of Shuniah

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the Municipality of Shuniah shall consist of the townships of McGregor and McTavish with the islands in front of such townships as referred to in section 2 of *The Municipality of Shuniah Act, 1936, c. 83*, and the Township of McGregor with such islands in front of it shall be known as the McGregor Ward, and the Township of McTavish with such islands in front of it shall be known as the McTavish Ward.

2. Notwithstanding any general or special Act, Council,

- (a) on and after the 1st day of January, 1970, the council composition of the Municipality of Shuniah shall consist of a reeve and four councillors, three councillors to be elected by the electors of the McGregor Ward and one councillor to be elected by the electors of the McTavish Ward and the reeve to be elected by the general vote of the electors of the whole municipality;
- (b) the members of the council shall be elected for a term of office three-year term of office commencing on the 1st day of January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973;
- (c) the members of the council elected to hold office for present the year ending the 31st day of December, 1970, shall cease to hold office when their successors are elected and the new council is organized; and

expenses  
of first  
election

(d) the expenses of The Corporation of the Municipality of Shuniah for the election to elect the council to take office on the 1st day of January, 1970, shall, as approved by the Minister of Municipal Affairs, be paid out of the Consolidated Revenue Fund.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Municipality of Shuniah Act, 1968-69*.







An Act respecting the  
Municipality of Shuniah

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*1st Reading*

June 4th, 1969

*2nd Reading*

*3rd Reading*

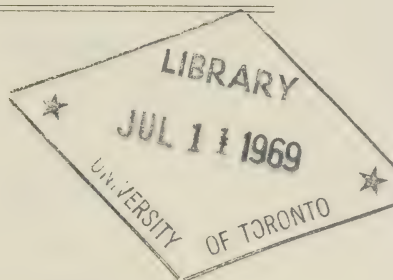
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MR. McKEOUGH

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**BILL 173**

2ND SESSION, 28TH LEGISLATURE, ONTARIO  
18 ELIZABETH II, 1968-69

**An Act respecting the Municipality of Shuniah**

MR. McKEOUGH



BILL 173

1968-69

## An Act respecting the Municipality of Shuniah

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the Municipality of Shuniah shall consist of the townships of McGregor and McTavish with the islands in front of such townships as referred to in section 2 of *The Municipality of Shuniah Act, 1936*, and the Township of McGregor with such islands in front of it shall be known as the McGregor Ward, and the Township of McTavish with such islands in front of it shall be known as the McTavish Ward.

The Municipality of Shuniah, constitution

1936, c. 83

2. Notwithstanding any general or special Act, Council,

- (a) on and after the 1st day of January, 1970, the council of the Municipality of Shuniah shall consist of a reeve and four councillors, three councillors to be elected by the electors of the McGregor Ward and one councillor to be elected by the electors of the McTavish Ward and the reeve to be elected by the general vote of the electors of the whole municipality;
- (b) the members of the council shall be elected for a three-year term of office commencing on the 1st day of January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973;
- (c) the members of the council elected to hold office for the year ending the 31st day of December, 1970, shall cease to hold office when their successors are elected and the new council is organized; and

composition

term of office

present

expenses  
of first  
election

- (d) the expenses of The Corporation of the Municipality of Shuniah for the election to elect the council to take office on the 1st day of January, 1970, shall, as approved by the Minister of Municipal Affairs, be paid out of the Consolidated Revenue Fund.

Commence-  
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipality of Shuniah Act, 1968-69*.







An Act respecting the  
Municipality of Shuniah

*1st Reading*

June 4th, 1969

*2nd Reading*

June 13th, 1969

*3rd Reading*

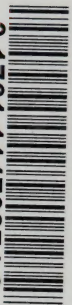
June 18th, 1969

MR. McKEOUGH









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